



The Gazette of India, EXTRAORDINARY.

Published by Authority.

CALCUTTA, THURSDAY, JANUARY 1, 1880.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 1st January 1880.

Order of the Indian Empire.

No. 1. I.-E.

HER MAJESTY THE QUEEN AND EMPRESS OF INDIA has been pleased to appoint the under-mentioned persons, who by their services have merited the Royal favour, to be Companions of The Order of The Indian Empire :—

1. Sirdar Atar Singh, of Bhadaur, Punjab.
2. Burnell, Arthur Coke, Esq., Ph. D. Madras Civil Service, District and Sessions Judge of Tanjore, Fellow of the Madras University.
3. Cornish, Surgeon-Major William Robert, F.R.C.S., Indian Medical Department, Sanitary Commissioner, Madras.
4. Cunliffe-Owen, Sir Philip, K.C.M.G., C.B., Director of the South Kensington Museum.
5. Daly, Lieutenant-General Sir Henry D., K.C.B., Agent to the Governor General in Central India.
6. Pandit Ishwara Chandra Vidya Sāgarā, Bengal.
7. Lafont, The Reverend Father Eugene, S.J., late Rector of St. Xavier's College, Calcutta.
8. Luke, Stephen Paget Walter Vyvyan, Esq., Officiating Superintendent of Telegraphs, in charge of Telegraphs with the Khybar Field Force.
9. Lyall, Charles James, Esq., Bengal Civil Service, Under Secretary to the Government of India. in the Home. Revenue and Agricultural

10. Macpherson, Charles Garden Wooland, Esq., Bombay Civil Service, Officiating Secretary to the Council of His Excellency the Governor of Bombay for making Laws and Regulations.
11. Mir Humayun Jah Bahadur, The Hon'ble, Additional Member of the Council of His Excellency the Governor of Madras for making Laws and Regulations.
12. Nanquette, Monsicur de, Director of Forest Schools at Nancy, France.
13. Ormiston, Thomas, Esq., M.I.C.E., Consulting Engineer to the Bombay Port Trust.
14. Pitman, Charles Edward, Esq., Officiating Superintendent of Telegraphs, in charge of Telegraphs with the Kandahar Field Force.
15. Roberts, Lieutenant-General Sir Frederick Sleight, K.C.B., V.C., Commanding the Kabul Field Force.
16. Pandit Surup Narain, Political Assistant, and Deputy Bheel Agent, Manpur, Central India.
17. Kazi Shahab-ud-din, Head of the Revenue Department of the Baroda State.
18. Sibley, George, Esq., C.E., late Chief Engineer of the East Indian Railway.
19. Babu Sourindro Mohun Tagore, Doctor of Music, President, Bengal Musical School.
20. Thomson, Ronald Ferguson, Esq., F.R.G.S., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Teheran, Persia.

By Order of the Grand Master,

A. C. LYALL,

Secretary to the Order of the Indian Empire.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 1. } CALCUTTA, SATURDAY, JANUARY 3, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 1.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Port William, the 31st December 1879.

No. 2356.—Under Section 27 of the "Indian Arms Act, 1878," the Governor General in Council is pleased to withdraw the Maháls of Angul and Banki in the Lower Provinces of Bengal from the

operation of the prohibitions and directions contained in Sections 13 and 14 of the said Act.

ESTABLISHMENTS.

The 2nd January 1880.

No. 1.—The services of Messrs. G. Stevenson and J. D. Anderson, of the Bengal Civil Service, employed in the Lower Provinces, are placed at the disposal of the Chief Commissioner of Assam.

EXAMINATIONS.

The 31st December 1879.

No. 94.—The following Regulations for the examination of Candidates for the Civil Service of India, to be held in June and July 1880, are published for general information:—

CIVIL SERVICE OF INDIA.

The Civil Service Commissioners have been requested to inform Candidates for the Indian Civil Service, that "in the event of their being appointed to the Service they will not be admitted to the

existing Civil Funds, but that they will be required, as a condition of their appointment, to subscribe to a new Fund which is about to be established by the Secretary of State for India in Council for the grant of pensions to the families of future members of the Indian Civil Service."

REGULATIONS FOR THE OPEN COMPETITION OF JUNE AND JULY 1880.

N. B.—The Regulations are liable to be altered in future years.

1. On June 15th, 1880, and following days, an Examination, open to all qualified persons, being natural-born subjects of Her Majesty, will be held in London. Not fewer than Candidates will be selected, if so many shall be found duly qualified; *viz.*, for the Presidency of Bengal [for the Upper, and for the Lower Provinces,] for that of Madras, and for that of Bombay. (a)

2. Any person desirous of competing at this Examination must produce to the Civil Service Commissioners, before the 1st of April 1880, evidence showing—

(i). That he is a natural-born subject of Her Majesty.
(ii). That his age will be above seventeen years on the 1st of June 1880, and under nineteen years on the 1st of January 1880. (b) [*N. B.—In the case of Natives of India this must be certified by the Government of India, or of the Presidency or Province in which the Candidate may have resided.*]

(iii). That he has no disease, constitutional affection, or bodily infirmity unfitting him, or likely to unfit him, for the Civil Service of India. (c)

(iv.) That he is of good moral character. (e)

He must also pay such fee as the Secretary of State for India may prescribe. (d)

3. Should the evidence upon the above points be *prima facie* satisfactory to the Civil Service Commissioners, the Candidate will, upon payment of the prescribed fee, be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of the Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary; and if the result of such inquiries, in the case of any Candidate, should be unsatisfactory to them in any of the above respects, he will be ineligible for admission to the Civil Service of India; and if already selected, will be removed from the position of a Probationer.

4. The Examination will take place only in the following branches of knowledge:—

	Marks.
(e) English Composition	300
(f) History of England—including a period selected by the Candidate	300
(f) English Literature—including books selected by the Candidate	300
Greek	600
Latin	800
French	500
German	500
Italian	400
(e) (g) Mathematics (pure and mixed)	1,000
Natural Science: that is, the Elements of any two of the following Sciences, <i>viz.</i> :—	
Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy, with outlines of Astronomy, 300.	
Logic	300
Elements of Political Economy	300
(h) Sanskrit	500
(h) Arabic	500

Candidates are at liberty to name, before April 1st, 1880, any or all of these branches of knowledge. No subjects are obligatory. (i)

5. The merit of the persons examined will be estimated by marks; and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. The marks assigned to Candidates in each branch will be subject to such deduction as the Civil Service Commissioners may deem necessary, in order to secure that "a Candidate be allowed no credit at all for taking up a subject in which he is a mere smatterer." (e)

(a) The number to be selected will be announced hereafter. Notice of the days and place of Examination will be sent to each Candidate about the end of May.

(b) At subsequent competitions, Candidates will be required to be above 17 and under 19 on 1st June of the year in which the competition is held.

(c) Evidence of health and character must bear date not earlier than the 1st March 1880.

(d) The fee will be £5, payable by means of a special stamp according to instructions which will be communicated to Candidates.

(e) Marks assigned in English Composition and Mathematics will be subject to no deduction.

(f) A considerable portion of the marks for English History and Literature will be allotted to the work selected by the Candidate. In awarding marks for this, regard will be had partly to the extent and importance of the periods or books selected, but chiefly to the thoroughness with which they have been studied.

(g) The Examination will range from Arithmetic, Algebra, and Elementary Geometry, up to the elements of the Differential and Integral Calculus, including the lower portions of applied Mathematics.

(h) The standard of marking in Sanskrit and Arabic will be determined with reference to a high degree of proficiency, such as may be expected to be reached by a Native of good education.

(i) Applications for leave to alter or to add to the list of subjects named will not be entertained unless received on or before the 15th of May 1880.

7. The Examination will be conducted on paper and *viva voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the subjects in which he shall have been examined, will be added up, and the names of the Candidates who shall have obtained, after the deduction above mentioned, a greater aggregate number of marks than any of the remaining Candidates, will be set forth in order of merit, and such Candidates shall be deemed to be Selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the Selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case, the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate. A Selected Candidate declining to accept the appointment which may be offered to him will be disqualified for any subsequent competition.

9. Selected Candidates, before proceeding to India, will be on probation for two years, during which time they will be examined periodically, with a view of testing their progress in the following subjects :—*

	Marks.
1. Law	1,250
2. Classical Languages of India—	
Sanskrit	500
Arabic	400
Persian	400
3. Vernacular Languages of India (each)	400
4. The History and Geography of India	350
5. Political Economy	350

In these Examinations, as in the open competition, the merit of the Candidates examined will be estimated by marks, and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it at any one Examination. The Examination will be conducted on paper and *viva voce*, as may be deemed necessary. The last of these Examinations will be held at the close of the second year of probation, and will be called the "Final Examination," at which it will be decided whether a Selected Candidate is qualified for the Civil Service of India. At this Examination Candidates will be permitted to take up any one of the following branches of Natural Science, *viz.*,—Botany, Geology, and Zoology, for which 350 marks will be allowed.

10. Any Candidate who, at any of the periodical Examinations, shall appear to have wilfully neglected his studies, or to be physically incapacitated for pursuing the prescribed course of training, will be liable to have his name removed from the list of Selected Candidates.

11. The Selected Candidates who, at the Final Examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, and character, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force, at the time, for that Service.

12. Applications from persons desirous to be admitted as Candidates are to be addressed to the "Secretary to the Civil Service Commissioners, London, S. W.," from whom the proper form for the purpose may be obtained.

September 1879.

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements :—

(1.) Selected Candidates will be permitted to choose,† according to the order in which they stand in the list resulting from the open competition, as long as a choice remains, the Presidency (and in Bengal the Division of the Presidency) to which they shall be appointed; but this choice will be subject to a different arrangement, should the Secretary of State, or the Government of India, deem it necessary.

(2.) The Probationers, having passed the necessary Examinations, will be required to report themselves to their Government not later than the close of December 1883.

(3.) The seniority in the Civil Service of India of the Selected Candidates shall be determined according to the order in which they stand on the list resulting from the Final Examination.

(4.) An allowance of £150 a year will be given during each of the two years of their probation to all Candidates who pass their probation at one of the Universities or Colleges which have been approved by the Secretary of State, *viz.*, the Universities of Oxford, Cambridge, Glasgow, Edinburgh, St. Andrew's, and Aberdeen, Trinity College, Dublin University College, London, and King's College, London, provided such Candidates shall have passed the required Examinations to the satisfaction of the Civil Service Commissioners, and shall have complied with such rules as may be laid down for the guidance of Selected Candidates.

(5.) All Selected Candidates will be required, after having passed the second periodical Examination, to attend at the India Office for the purpose of entering into an agreement binding themselves, amongst other things, to refund in certain cases the amount of their allowance in the event of their failing to proceed to India. A surety will be required.

(6.) After passing the Final Examination, each Candidate will be required to attend again at the India Office, with the view of entering into covenants. The stamps payable on these documents amount to £1.

(7.) Candidates rejected at the Final Examination of 1882 will in no case be allowed to present themselves for re-examination.

* Full instructions as to the course of study to be pursued will be issued to the successful Candidates as soon as possible after the result of the open competition is declared.

† This choice must be exercised immediately after the result of the open competition is announced, on such day as may be fixed by the Civil Service Commissioners.

CIVIL SERVICE OF INDIA.

FORM OF APPLICATION; TO BE FILLED UP BY CANDIDATES.

*** This Form must be sent so as to be received at the Office of the Civil Service Commission before the 1st of April 1880.*

Date _____

SIR,

Being desirous to offer myself as a Candidate at the Examination for the Civil Service of India, which is appointed to commence on the 15th of June 1880, I transmit herewith, as required by the Regulations—

(1.) If a General Register Office certificate cannot be obtained, the instructions printed on the other side will show what evidence should be supplied. If evidence is already in the hands of the Commissioners, strike out "A certificate of my birth," and insert "Evidence is already in the possession of the Commissioners."

(2.) The terms indicated by the marks of quotation must appear in the certificate, which must be given after personal examination, and bear date not earlier than 1st March 1880.

(3.) Two testimonials must be sent bearing date not earlier than 1st March 1880. One of them should be given by an intimate acquaintance (not a relative) of not less than three or four years' standing; the other, if the Candidate has recently left school, should be given by his late schoolmaster, or if he has had employment of any kind, by his late employer. If the Candidate has been at any University, he should send a certificate of good conduct from his College tutor.

(4.) This should be given on the form annexed. If the History of England or English Literature be named, the schedule on the sixth page should also be filled up.

(1.) A certificate of my birth, showing that I was born on the day of _____ 18____, and that therefore my age will be above 17 years on the 1st of June 1880, and under 19 years on the 1st of January 1880.

(2.) A certificate signed by

of my having "no disease, constitutional affection, or bodily infirmity unfitting me for the Civil Service of India."

(3.) Proof of my moral character, viz. :—

(1.) A testimonial from _____

(2.) A testimonial from _____

(4.) A statement of the branches of knowledge in which I desire to be examined.

I have also to state, with reference to Section 2, Clause (i) of the Regulations, that I am a natural-born subject of Her Majesty.

I am, SIR,

Your obedient Servant,

Name in full _____

Address _____

To the Secretary,

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I.—Every Candidate born in England or Wales should produce a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This certificate may be obtained at Somerset House, or from the Superintendent Registrar of the District in which the birth took place.

II.—A Candidate who is a Native of India must have his age certified by the Government of India, or of the Presidency or Province in which he may have resided.

III.—Every other Candidate *not producing the Certificate* mentioned in Clause I, must prove his age by Statutory Declaration, and should also, if possible, produce a record of Birth or Baptism from some official Register; under which term may be included the Parochial Registers of Baptisms, the non-Parochial Registers of Baptisms and Births deposited at Somerset House under Acts of Parliament, the Register kept at the India Office of persons born in India, &c., &c. This Regulation applies—

1. To all Candidates not born in England or Wales.

2. The Candidates, who, though born in England or Wales, cannot produce the Registrar-General's Certificate.

The Civil Service Commissioners reserve to themselves the right of deciding in each case upon the sufficiency of the evidence produced, but they subjoin the following general rules for the guidance of Candidates:—

(a) The Declaration should specify precisely the date and place of birth, and should, if possible, be made by the father or mother of the Candidate. If made by any other person, it should state the circumstances which enabled the Declarant to speak to the fact. If an entry in a Bible or other family record be referred to, the Bible or other record must be produced at the time of making the Declaration, and must be mentioned in the Declaration as having been so produced.

(b) If the Candidate was born in England or Wales, the Declaration must contain a statement, that after due inquiry no entry has been found in the books of the Registrar-General; or a separate Declaration must be made to that effect.

(c) If no extract from any Register is produced, the Declaration must contain a statement, that after due inquiry no such Record is believed to exist; or a separate Declaration must be made to that effect.

(d) Statutory Declarations must be exactly in the form prescribed by the Act of 5 and 6 William IV, c. 62. A printed Form, if required, will be supplied on application to the Civil Service Commissioners.

N. B.—Clergymen, as such, are not qualified to take Declarations.

CIVIL SERVICE OF INDIA.

Open Competition of June and July 1880.

SELECTION OF SUBJECTS.

Place your Initials against the Subjects which you select, and strike out the remainder.

	INITIALS.
English Composition
*History of England
*English Literature
Greek
Latin
French
German
Italian
Mathematics (Pure)
(Mixed)
Natural Science, viz.:—	
{ Chemistry
Electricity and Magnetism
Experimental Laws of Heat and Light
{ Mechanical Philosophy and Astronomy
Logic
Elements of Political Economy
Sanskrit
Arabic

Two of these
only may be se-
lected.

Signature _____ :

Date _____ .

* State Periods and Books selected on the other side of this sheet.

CIVIL SERVICE OF INDIA.

Open Competition of June and July 1880.

History of England.—Period selected by the undersigned Candidate :—

English Literature.—Books selected by the undersigned Candidate :—

Signature _____

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1880.

For the guidance of Candidates who may have a difficulty in making their selections for special study under the heads of English History and Literature, the following lists are given as indicating the character and amount of reading that would be regarded as satisfactory :—

History of England.

Any one of the following periods, to be studied generally in "Bright's History," and specially in portions, selected by the Candidate, of the Text-books named :—

1. Henry II. to Edward III., A.D. 1154—1377.—Stubbs' Select Charters; Stubbs' Constitutional History of England.
2. The Tudors, A.D. 1485—1603.—Hallam's Constitutional History of England; Froude's History of England.
3. The Stuarts, A.D. 1603—1714.—Hallam's Constitutional History of England; Macaulay's History of England.
4. A.D. 1714—1805.—Lord Stanhope's History; Sir T. E. May's Constitutional History; *either* Massey's Reign of George III. *or* Lord Stanhope's Life of Pitt.

English Literature.

POETRY.

Shakespeare.—Three plays, one from each of the following groups :—

- (a) Macbeth, Othello, Lear, Hamlet.
- (b) Coriolanus, Julius Cæsar, King John, Henry V.
- (c) Tempest, Merchant of Venice, Romeo and Juliet, As You Like It.

And any two of the following :—

1. Chaucer.—Prologue to the Canterbury Tales, with the Prioress' Tale, and the Clerk's Tale; *or* Spenser.—Faerie Queene, Books 1 and 2.
2. Milton.—First four books of Paradise Lost, *or* Paradise Regained, *or* Comus and Samson Agonistes.
3. Dryden.—Absalom and Achitophel, and The Hind and Panther.
4. Pope.—Essay on Criticism; with *either* imitations of Satires and Epistles of Horace, *or* Essay on Man.
5. Gray.—Poems.

PROSE.

Bacon.—Essays, *or* Advancement of Learning.

And any two of the following :—

1. Milton.—Areopagitica; *and* Locke.—On the Conduct of the Understanding.
2. Clarendon.—History of the Rebellion, from the Treaty between the King and the Parliament, at the end of Book VI., to the Death and Character of Falkland in Book VII.; *and* De Foe.—Memoirs of a Cavalier (ch. viii. to the end).
3. Addison.—Selections (Clarendon Press Series), Parts 1, 2, 3, 6 and 7.
4. Johnson.—"Six Chief Lives of the Poets," *viz.* :—of Milton, Dryden, Swift, Addison, Pope, and Gray; with Macaulay's Biography of Johnson.
5. Burke.—Reflexions on the French Revolution; *or* Appeal from New to Old Whigs, with Speech on American Taxation.
6. Macaulay.—Essays on Addison, Byron, Walpole, Mackintosh, Tamplin and Madame D'Ackland.

The 2nd January 1880.

No. 1.—RULES FOR THE EXAMINATIONS OF JUNIOR CIVILIANS.

[NOTE.—The titles of new text-books are printed in italics.]

The following amended rules* for the encouragement of the study of Oriental languages among the junior members of the Bengal Civil Service have been substituted for those notified under date 24th March 1870 (No. 1614), and are published for general information, together with extracts from the Civil Leave Code relating to these examinations, and with detailed list of authorised text books.

These rules will come into force from 1st July 1880. In those cases in which any change or changes may have been made in the text-books prescribed for any language, the group of text-books, hitherto adopted, will continue to be used until the examination of July 1881, when the new text-books will be adopted subject to the following exception, *viz.*, in the case of those groups containing a text-book or books of which a revised edition is under preparation (see italicized entries in list appended to this Notification), the group of text-books, hitherto adopted, will continue to be used until the new edition has been issued. Due notice of such issue will in each case be given, and also of the date on which such book, and the group of text-books to which it may belong, shall come into force.

I.—The rules published in Notification No. 1614, dated 24th March 1870, are cancelled.

II.—The standards of examination and donations to be given to successful candidates will be as follows:—

		Rs.	
Higher Standard	Arabic	800	
	Sanskrit	800	
	Persian	500	
	Urdu	1,000	
High Proficiency	Hindi	1,000	With certificate from the pre- siding examiners.
	Bengali	1,000	
	Uriya	1,000	
	Persian	2,000	
	Arabic	2,000	
	Sanskrit	2,000	
Degree of Honor	Urdu	2,000	With diploma from the Gov- ernment of India.
	Hindi	2,000	
	Bengali	2,000	
	Persian	4,000	
	Arabic	5,000	
	Sanskrit	5,000	

III.—Subject to the condition that an Officer serving in the Upper Provinces will not be eligible for examination in Bengali or Uriya, until he has obtained a certificate in one of the other languages, candidates may present themselves for examination in any of the languages enumerated in rule II. A civil servant attached to the Upper Provinces who may have obtained a certificate of High Proficiency in Urdu, Hindi or Persian, under the rules of the 2nd October 1861, or the rules of the 24th March 1870, will be deemed to have satisfied the foregoing condition.

IV.—No civil servant will be permitted to present himself for examination by two standards of the *same* language simultaneously, but he may have the option of competing for the higher examinations in any language without first undergoing any inferior test.

*These rules do not in any way affect the departmental examinations in law, language, &c., which junior civilians have to pass under the orders of Local Governments.

V.—No civil servant will ordinarily be permitted to appear more than twice as a candidate at any examination; but if a special recommendation be made by the examiners, a candidate will be allowed to appear a third time.

VI.—No civil servant will be permitted to present himself for the Higher Standard, High Proficiency, or Honor Examinations, after the expiration of five, ten and fifteen years, respectively, counted from the date of his first arrival in India. No exception to this rule will be made on account of leave or any other cause.

VII.—Civil servants who may have passed examinations under the rules of 1861 (cancelled in Section VII of the rules of 1870) or of 1870 (cancelled in Section I of the present rules) will not be eligible to compete at corresponding examinations in the same language or languages under the rules now passed.

VIII.—Examinations will be held quarterly on the first Monday in January, April, July and October of each year at Calcutta. Examinations by the Higher Standard in Persian will also be conducted by Station Committees half-yearly on the first Monday in April and October at Peshawar, Lahore and Allahabad, to be assembled under the orders of the Military officers commanding. Should the first of January fall on a Monday, the examination will be held on the following day.

Civil servants desirous of attending examinations must apply for leave to do so to the Local Government at least three months before the date of examination, and a copy of such permission should be forwarded to the Secretary, Board of Examiners, Calcutta, in the case of examinations held at the Presidency; but civil servants attached immediately to the Government of India must apply for leave to the Home, Revenue and Agricultural Department, through the Department of the Government of India under which they are serving, and such application must be accompanied by a certificate from the Accountant General of the Province to which the applicant belongs that he has not exceeded the time of residence mentioned in Section VI.

IX.—The following are the subjects of examination for the Higher Standard:—

- (a) Construing, with readiness and accuracy, from the under-mentioned books:—

Sanskrit	...	Riju Patha.
Persian	...	{ Ikd-i-Gul.
		{ Ikd-i-Manzúm.
Arabic	...	{ Na'hat-u'l-Yaman, 1st Part.
		{ <i>Selections from the Atif Laila (to be made).</i>

- (b) Translating accurately and with correctness of idiom and grammar not less than half an ordinary octavo page of plain English into the language in which the examination is held.

- (c) Reading fairly, and translating readily and correctly, manuscripts in the above languages. These manuscripts may be selected from the proceedings of a case in court, from reports or petitions addressed to civil or military authorities, from letters passing between natives of India in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters generally employed.

- (d) Conversing with the examiners or with natives of India with fluency and with such correctness of pronunciation, grammar and idiom

as to be at once intelligible. In Sanskrit the colloquial and manuscript portions must be omitted, and in Arabic (save in the Bombay Presidency) the colloquial portion may for the present be dispensed with.

X.—The following are the subjects for the High Proficiency Examination :—

(a) Construing, with readiness and accuracy, from the under-mentioned books :—

Urdu	...	{ Ikhwán-u's-Safa. Nasr-i-be-Nazír. Aráish-i-Mahfil. Musnawiyát of Saudá.
Hindi	...	{ Ráj Niti. Prem Ságar. Rámáyana, Book II. Síláharan.
Bengali	...	{ Sakuntala. Sílár Banabás. Bijay Ballabha.
Uriya		{ Hitopadesha. Bátris Singhásan. Ramayana, Sundara Kanda.
Arabic	...	{ Nafhat-u'l-Yaman. Selections, <i>Alif Laila</i> (to be made). Gulistan.
Persian	...	{ Bostan. Mirza Hairat's translation of <i>Malcolm's History of Persia, Vol. II.</i>
Sanskrit	...	{ Hitopadesha. 1st nine cantos of Raghuvansa (expurgated edition by Iswara Chandra Vidyasagar).

(b) Translating into English with accuracy a passage in narrative style not taken from the text-books and selected in all languages, except Sanskrit, from the current literature of the day.

(c) Translating with accuracy of idiom and neatness of expression into the language in which the examination is held an English paper in narrative style.

(d) Translating in like manner a paper of English sentences.

(e) Conversation in the language (except in Sanskrit, and in Arabic until colloquial instruction can be given in that language).

(f) Reading and translating at sight manuscript in the language.

(g) Dictation in the language of a translation made at sight from a paper in English placed before the candidate.

(h) A paper of grammatical questions.

XI.—The following are the subjects for the Honor Examination :—

(a)

Urdu	...	{ Fisána-i-Ajáib. Diwán of Atash, 1st half. Kulliyát of Saudá. Urdu-i-Mualla of Ghálib.
Hindi	...	{ Sátsaiya of Behari Das, with Commentary of Sri Lallu Lall. Subhá Bilás. Rámáyana of Tulsi Dás.
Bengali	...	{ Mahábhárata. Kádambari. Aláler Gharer Dulál. Kapála Kundula.
Persian	...	{ Akhlák-i-Jaláli. Inshá-i-Abúl Fazl. Sháh Námah, one volume, or about one-fourth of the whole. Diwán of Háfiz.

Arabic	...	...	{ Hamásah, 1st two Books, pp. 1—109, Calcutta edition. Timur Námah. Mukamát of Hariri, 1st half. Saba Muallakát.
Sanskrit	...	...	{ (a) 1st and 2nd Adhyayas of the 1st Ashtaka of the Rigveda Sanhita. (b) Cantos I to VI and XI to XVIII, inclusive, of the expurgated edition of the Kirátárjuniya of Iswara Chandra Vidyasagar. (c) Sakuntala Nataka.

- (b) A written examination in the books, the papers set to include questions in grammar and prosody.
- (c) Translating into English with accuracy two passages—one in prose, the other in poetry—selected from some difficult work, not being a text-book. The passage in prose will, in all languages except Sanskrit, be selected from the current literature of the day.
- (d) Translating a difficult passage from English with accuracy, elegance and neatness of expression, and perfect correctness of grammar and spelling.
- (e) Conversing with accuracy and fluency (except in Sanskrit and for the present in Arabic).
- (f) Reading and translating at sight a manuscript in the language.
- (g) Dictation in the language of a translation made at sight from a paper in English placed before the candidate.

XII.—The Honor Examination will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

XIII.—Successful candidates for the Degree of Honor shall be arranged in two divisions according to the number of marks obtained. For the first division, 80 per cent. of the marks must be obtained in all subjects, and not less than 60 per cent. in any one paper; for the second division, 60 per cent. must be obtained in all subjects, and not less than 45 per cent. in each paper. The reward and diploma will be granted only to those passing in the first division, and their names only will be published in the *Gazette of India*. Those passing in the second division will be deemed to have passed for the purposes of leave and travelling allowance rules, but they will not be allowed the benefit of those rules on a second occasion, should they elect to compete again for the reward of a Degree of Honor.

EXTRACTS FROM THE CIVIL LEAVE CODE.

EXAMINATION LEAVE OF ABSENCE.

The following extracts from the Civil Leave Code are given for purposes of easy reference:—

(CHAPTER VIII OF THE CIVIL LEAVE CODE).

1. (a) A Covenanted Civil Servant or a Military Officer subject to Civil Rules, who is a candidate for a reward for proficiency in one of the vernacular languages or Sanskrit, or by the Higher Standard, in Persian, is entitled to joining time to and from the place of examination, besides leave for the day or days of examination.
- (b) A candidate for a reward for proficiency in Arabic, or for High Proficiency in Persian, may be allowed leave for one month, and, if he passes the examination, for two months.
- (c) The maximum leave for two months authorized by clause (b) may be prefixed to the examination if the candidate undertakes to spend it in study under professional tuition at a Presidency town.

- (d) An officer, who, after passing an examination for High Proficiency in Arabic or Persian, is a candidate for the Degree of Honor in either of these languages, may be allowed, instead of the leave for two months provided in clause (c), leave for three months to Persia for Persian; and to Arabia, Mesopotamia, Egypt or Syria, for Arabic.
2. An officer on leave under Rule 1 has a lien on his appointment, substantive or officiating, and is entitled to leave allowances, as if he were on privilege leave, for an aggregate maximum period of twelve months.

EXTRACT RULE (4), SECTION 47, CHAPTER X, OF THE CIVIL LEAVE CODE.

Examination leave may be prefixed to privilege leave; and privilege leave may be (1) prefixed to the three months' examination leave admissible under Clause (d), Rule 1, in Chapter VIII, on condition that it is spent in one of the appropriate countries mentioned in that clause; and (2) affixed to the one month's examination leave which may be prefixed to the examination leave under Clause (b) of that rule; otherwise it may not be combined with any other leave granted under that chapter. Otherwise, no kind of leave, except furlough on medical certificate, may be granted in continuation of examination leave.

Detailed List of authorised text-books.

The following list of text-books for the various examinations, with the places where they may be obtained, is published for general information. A revised edition of the text-books entered in italics is under preparation:—

Selections for the Higher Standard.			
	Ditto	Lower	ditto.
Urdu	Ikhwán-us-Safa ...	...	...
	Nasr-i-be-Nazír ...	...	...
	Aráish-i-Mahfil ...	...	...
	Masnaviyát of Saudá ...	...	...
	Kulliyát of Saudá ...	...	...
	Fisáua-i-Ajáib ...	...	...
	Diwán-i-Átash (Lucknow edition) ...	...	...
Hindi	Urdu-i-Mualla of Ghálib ...	...	...
	Satsaiya of Behári Dás, with Commentary of Lallu Láll. ...	...	...
	Sabhá Bilás ...	...	...
	Rámáyana of Tulsi Dás (Ramjasau's edition) ...	...	...
	<i>Rájñiti</i> (Hale's edition, printed at Presbyterian Mission Press, Allahabad). ...	...	...
	[An edition procurable in the bazaar, but very inaccurate.] Prem Ságar (Calcutta edition of 1842) ...	...	...
	Rájdut ...	...	...
Bengali	Nabanári ...	...	...
	Sitáharan ...	...	...
	Sakuntala ...	...	...
	Sitár Banabás ...	...	...
	Bijay Ballabha ...	...	...
	Kádambari ...	...	...
	Mahabháratá ...	...	...
Uriya	Alláler Gharer Dulál, by Babu Piyáre Chand Mittra. ...	...	...
	Kapála Kundala, by Bankim Chunder Chatterjea ...	...	...
	Hitopadesha ...	...	...
	Batris Singhásan ...	...	...
	Rámáyana, Sundara Kanda ...	...	...
	<i>Selections from the Alif Laila (to be made).</i> ...	...	...
	Nafhat-u'l-Yaman ...	...	...
Arabic	Hamásah ...	...	...
	Saba Muallakát (edited by F. A. Arnold, Leipsic, 1850). ...	...	...
	Makamát of Hariri (edited by de Sacy) ...	...	...
	<i>Timúr Námah</i> (Calcutta edition of 1836) ...	...	...

Board of Examiners' Office,
and Messrs. Thacker,
Spink and Company.

Procurable in the bazaars.
Akmal-ul-Matábi Press, Delhi.

Procurable in the bazaars.
Medical Hall Press, Benares.
Out of print.

Bazaars.

Bazaars.

Baptist Mission Press, Calcutta.
Orissa Mission Press, Cuttack.

Bazaars.

Messrs. Williams & Norgate.
Messrs. Williams & Norgate.
Bazaars, but rare.

Persian ...	Ikd-i-Gul (Selections by Colonel Lees) ...	Board of Examiners, and
	Ikd-i-Manzûm ...	Messrs. Thacker, Spink
	Gulistân ...	and Company.
	Bostan ...	Bazaars.
	Mirza Hairat's Translation of Malcolm's History of Persia. ...	Bombay, or Messrs. Thacker, Spink and Company.
	Akhlâk-i-Jalâli (Lucknow edition) ...	Bazaars.
	Inshâ-i-Abûl Fazl (ditto) ...	...
	Shah Nâmah (Vuller's edition) ...	Messrs. Williams and Norgate.
	Diwân of Hâfiz (Bombay edition, 1827, now used):	Bazaars.
	Sudi's edition recommended, printed by Ritter Von Rosen Zweig ...	Vienna.
Sanskrit...	Riju Patha (Calcutta edition) ...	Bazaars.
	Hitopadesha ...	...
	Raghuvansa, expurgated edition (Vidyasagar) ...	Messrs. Thacker, Spink and Company.
	1st and 2nd Adhyayas of 1st Ashtaka of Rigveda Sanhita (edited by Reverend Dr. Banerjea).	...
	Kirâtârjuniya (edited by Vidyasagar) ...	Sanskrit Press, Calcutta.
	Sakuntala Nataka ...	...

MEDICAL.

The 31st December 1879.

No. 652.—APPOINTMENTS.—Surgeon C. Little, Civil Surgeon of Akola, now Officiating Sanitary Commissioner, Hyderabad Assigned Districts, to be Civil Surgeon of Amraoti, but to continue to officiate as Sanitary Commissioner until the return from furlough of Surgeon-Major R. T. Abbott, or until further orders.

Mr. Apothecary G. E. King to continue to act as Civil Surgeon at Amraoti until relieved by Surgeon Little, or until further orders.

Surgeon T. Hume, M.B., Officiating Civil Surgeon of Akola, to be Civil Surgeon of Akola, *vice* Surgeon Little.

EDUCATION—INDUSTRY, SCIENCE AND ART.

The 29th December 1879.

No. 353.—APPOINTMENTS.—The Governor General in Council is pleased to confirm the following arrangements made by the Trustees of the Indian Museum, consequent on the approaching departure on furlough of Dr. J. Anderson, Superintendent of the Museum:—

Mr. J. Wood-Mason, Deputy Superintendent, to officiate as Superintendent.

Mr. G. Nevill, 1st Assistant, to officiate as Deputy Superintendent.

Mr. O. L. Fraser, 2nd Assistant, to officiate as 1st Assistant.

Mr. J. Cockburn, to officiate as 2nd Assistant.

SURVEYS.

The 30th December 1879.

No. 583.—Mr. R. Oldham, who has been nominated, on probation, as a 3rd Grade Assistant on the Geological Survey of India by the Secretary of State, joined his appointment at Madras on the 17th instant.

FORESTS.

The 31st December 1879.

No. 1041F.—Dr. W. Schlich, Conservator of Forests in Bengal and at present on furlough, is appointed to officiate as Conservator of Forests in the Punjab during the absence on special duty of Mr. B. H. Baden-Powell, C.S., with effect from the date on which Dr. Schlich may join that appointment on return from leave.

Mr. A. Pengelly, Deputy Conservator of Forests of the 3rd Grade, in the Punjab, will, as a temporary arrangement, be in charge of the current duties of the office of the Conservator of Forests in that province from the 1st January 1880, or such subsequent date as Mr. Baden-Powell may proceed on special duty, to the date on which Dr. Schlich may join his appointment.

C. BERNARD,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 1st January 1880.

Order of the Indian Empire.

No. 1. I.-E.

HER MAJESTY THE QUEEN AND EMPRESS OF INDIA has been pleased to appoint the under-mentioned persons, who by their services have merited the Royal favour, to be Companions of The Order of The Indian Empire:—

1. Sirdar Atar Singh, of Bhadaur, Punjab.

2. Burnell, Arthur Coke, Esq., Ph. D., Madras Civil Service, District and Sessions Judge of Tanjore, Fellow of the Madras University.

3. Cornish, Surgeon-Major William Robert, F.R.C.S., Indian Medical Department, Sanitary Commissioner, Madras.
4. Cunliffe-Owen, Sir Philip, K.C.M.G., C.B., Director of the South Kensington Museum.
5. Daly, Lieutenant-General Sir Henry D., K.C.B., Agent to the Governor General in Central India.
6. Pandit Ishwara Chandra Vidya Sāgarā, Bengal.
7. Lafont, The Reverend Father Eugene, S.J., late Rector of St. Xavier's College, Calcutta.
8. Luke, Stephen Paget Walter Vyvyan, Esq., Officiating Superintendent of Telegraphs, in charge of Telegraphs with the Khybar Field Force.
9. Lyall, Charles James, Esq., Bengal Civil Service, Under Secretary to the Government of India, in the Home, Revenue and Agricultural Department.
10. Macpherson, Charles Garden Wooland, Esq., Bombay Civil Service, Officiating Secretary to the Council of His Excellency the Governor of Bombay for making Laws and Regulations.
11. Mir Humayun Jah Bahadur, The Hon'ble, Additional Member of the Council of His Excellency the Governor of Madras for making Laws and Regulations.
12. Nanquette, Monsieur de, Director of Forest Schools at Nancy, France.
13. Ormiston, Thomas, Esq., M.I.C.E., Consulting Engineer to the Bombay Port Trust.
14. Pitman, Charles Edward, Esq., Officiating Superintendent of Telegraphs, in charge of Telegraphs with the Kandahar Field Force.
15. Roberts, Lieutenant-General Sir Frederick Sleigh, K.C.B., V.C., Commanding the Kabul Field Force.
16. Pandit Surup Narain, Political Assistant, and Deputy Bheel Agent, Manpur, Central India.
17. Kazi Shahab-ud-din, Head of the Revenue Department of the Baroda State.
18. Sibley, George, Esq., C.E., late Chief Engineer of the East Indian Railway.
19. Babu Sourindro Mohun Tagore, Doctor of Music, President, Bengal Musical School.
20. Thomson, Ronald Ferguson, Esq., F.R.G.S., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Teheran, Persia.

By Order of the Grand Master,

A. C. LYALL,

Secretary to the Order of the Indian Empire.

NOTIFICATIONS.

POLITICAL.

Fort William, the 29th December 1879.

No. 1388 G.-P.—APPOINTMENT.—Major M. Protheroe, Deputy Superintendent, Port Blair and the Nicobars, is attached to the Staff of Major-General R. O. Bright, C.B., Commanding the Jellalabad Field Force, for political duty, with effect from the date of assuming charge.

GENERAL.

The 31st December 1879.

No. 2485 G.-G.—APPOINTMENT.—Major C. Grant, Political Agent, 2nd Class, on furlough, is posted as Political Agent at Muscat, with effect from the date of assuming charge, *vice* Major C. B. Euan Smith, C.S.I., placed temporarily on special political duty.

Pending Major Grant's arrival, Surgeon S. M. Brereton, Medical Officer of the Political Agency in Turkish Arabia, will hold charge of the Political Agency at Muscat, with effect from the date of assuming charge.

The 1st January 1880.

No. 1 G.-G.—The Foreign Department Notification No. 2301 G.-G., dated 5th December 1879, replacing the services of Mr. H. L. St. Barbe, C.S., at the disposal of the Home, Revenue and Agricultural Department, is cancelled.

No. 4 G.-G.—The Foreign Department Notification No. 2167 G.-G., dated 6th November 1879, granting three months' privilege leave to Surgeon H. Whitwell, Officiating Residency Surgeon, Nipal, is cancelled.

A. C. LYALL,

Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

*Port William, the 20th December 1879.***No. 2037.—Read again—**

Accounts Proceedings for June 1870, Nos. 59 and 60.

„ „ for January 1874, No. 16.

RESOLUTION.—By Notification No. 167, dated 16th May 1870, a system of District Savings Banks was established, the yearly rate of interest on deposits therein being fixed at $3\frac{3}{4}$ per centum, and the monthly rate at one pie for each Rupee $1\frac{3}{4}$.

2. The market rate of interest being now higher, the Governor General in Council notifies that, with effect from the 1st January 1880, the monthly rate of interest on deposits in District, Presidency and Military Savings Banks shall be one pie for each $1\frac{1}{2}$ Rupee, which is equal to Rs. $4\frac{1}{8}$ per centum per annum. As this rate is now fixed in supersession of a lower rate, so it must be plainly understood that the Governor General in Council reserves the right of reducing the rate thus fixed again at any time at his discretion, and that it will not be open to any Depositor to object to such reduction.

3. Moreover, the Governor General in Council deems it expedient to dispense with the restrictions of the existing Rules as to personal attendance and as to the hours for the transaction of business with the Savings Banks.

4. Accordingly, the Governor General in Council has passed the following Rules for District and other Government Savings Banks, revoking all previous Rules :—

I.—In these Rules—

“Depositor,” “Deposit,” and “Secretary” bear the meaning which they bear in *The Government Savings Bank Act, 1873*.

“Account” means the account of a Depositor in a Government Savings Bank.

“Balance” means the balance at credit of an account.

II.—Any person may become a Depositor on his own behalf, or on behalf of any other person. Deposits may also be made by the managers of benevolent or other public Associations, or by public Officers, of money deposited with them *ex-officio* as security for the discharge of any public duty or for the fidelity of any public Officer, or for the accomplishment of any public object.

III.—Subject to the provisions of these Rules, the Government of India guarantees the repayment of every deposit with interest.

IV.—Without the special or general sanction of the Governor General in Council, no account will be opened for less than One Rupee; and no person may deposit more than Five Thousand Rupees, in all, between any 1st of April and the 31st March next following.

V.—Interest will not be allowed upon a smaller balance than $1\frac{1}{2}$ Rupee, or upon the excess in any balance over the highest multiple of $1\frac{1}{2}$ Rupee.

VI.—Interest will be allowed from the beginning of the calendar month succeeding that in which a deposit is made, to the end of the month preceding that in which it is withdrawn.

VII.—From the 1st January 1880, till further notice, interest will be allowed upon deposits at the rate of one pie a month for every $1\frac{1}{2}$ Rupee, which is equal to one anna for every Rs. 18, or one Rupee for every Rs. 288, being at the rate of Rs. $4\frac{1}{8}$ per centum per annum. Saving with the special or general sanction of the Governor General in Council, the highest monthly interest allowed upon any balance shall be Rs. $17\frac{1}{2}$.

VIII.—On the written request of any Depositor, his balance, or any part of it, will be invested by the Comptroller General in his own name in trust for, and at the risk of, the Depositor at current market rates, in stock of any Loan which he may specify; if no particular loan is specified, then stock of one of the Four Per Cent. Loans will be bought. The stock thus bought will be held by the Comptroller General on the Depositor's account, the interest thereon, less a commission of one-quarter per cent., being added to his deposit, on advice from the Comptroller General, and entered in his Deposit

of a Depositor will, on his written request, be sold, and the proceeds added to his Deposit, or, if he desires it, will be converted into notes and delivered to him. A commission of $\frac{1}{4}$ per cent. will be charged upon such purchases, sales and deliveries.

IX.—Every account will be made up on the 31st March, and the interest then due, calculated under these Rules, added to the balance upon which future interest will accrue. If an account is closed on any other date, interest due to the end of the preceding calendar month will be paid to the Depositor: but a Depositor who closes an account should not, ordinarily, be permitted immediately to re-open it, except on payment of a fine varying at the discretion of the Secretary from One to Ten Rupees.

X.—An account may be transferred free of charge to any other Government Savings Bank.

XI.—A Deposit Book will be supplied to each Depositor in which the Secretary, or, if the Savings Bank is at a public treasury, the Treasury Officer, will acknowledge every deposit. The personal attendance of a Depositor is not required; but no deposit will be received or payment made without the Depositor's Deposit Book, and the Government will not be responsible for any deposit the receipt of which is not acknowledged in a Deposit Book. The interest due to date will be entered in each Deposit Book the first time that it is produced after the 31st March. The first Deposit Book will be supplied free of charge; but if a Deposit Book is lost or injured, or if a closed account is re-opened, One Rupee will be charged for a new book.

XII.—A Depositor may not operate frequently upon his account as if it were an ordinary banking account, or open more than one account in his own name or in the name of any member of his family, or for his own benefit or the benefit of any member of his family. The Comptroller General must take precautions to prevent any transgression of this Rule, and, in particular, any employment of an account as an ordinary drawing account. This Rule is not meant to prevent any one from opening more than one *ex-officio* or public account.

XIII.—The Secretary may refuse to open any account or may close any account, for any sufficient reason, as, for example, because he thinks that the account is likely to be used or is being used contrary to the object with which Government Savings Banks are established, namely, the encouragement of saving. But every such refusal or closure, and the reasons for it, should be reported to the Comptroller General.

XIV.—When the Secretary thinks it proper to close any account, he shall give notice, in writing, to the Depositor, of such closure. After the date of such notice, no deposit shall be accepted on the account so closed, and no interest shall be allowed upon the balance of the closed account after the end of the calendar month then current.

XV.—These Rules apply as well to accounts opened before as after their publication.

XVI.—The Governor General in Council reserves the right to alter or add to these Rules at any time.

XVII.—A copy of the Government Savings Banks Act, 1873, and of these Rules shall be printed in each Deposit Book, and the signature, or, if he cannot read, mark of the Depositor, obtained to the annexed declaration before any deposit is accepted from him.

Declaration to be recorded in accordance with Rule XVII.

I acknowledge that I have read these Rules (or, if he cannot read, that these Rules have been read to me).

Dated

Table of Monthly Interest.

Principal.	Monthly interest.	Principal.	Monthly interest.	Principal.	Monthly interest.
Rs.		Rs.		Rs.	
1½	Pies 1	15	Pies 10	144	Annas 8
3	2	16½	11	162	9
4½	3	18	Annas 1	180	10
6	4	36	2	198	11
7½	5	54	3	216	12
9	6	72	4	234	13
10½	7	90	5	254	14
12	8	108	6	270	15
13½	9	126	7	288	One Rupee.

ORDERED, that this Resolution be communicated to the Comptroller General, who will issue any needful supplementary instructions.

Ordered also, that this Resolution be published, for general information, in the *Gazette of India*.

The 31st December 1879.

No. 2080.—Read the following:—

FINANCIAL. INDIA OFFICE,
No. 425. London, 30th October 1879.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—I forward herewith a copy of the Report* of the Deputy Master of the Royal Mint on the Pyx Coins of the Calcutta and Bombay Mints issued in 1878, from which you will observe that the standard weight and fineness of the Coins have been maintained with the usual accuracy.

2. A copy of the Report has been transmitted to the Government of Bombay.

I have, &c.,
(Sd.) CRANBROOK.

ROYAL MINT,
2nd October 1879.

To the Secretary, Treasury.

SIR,—The examination of the Pyx Coins of the Indian Mints transmitted to me by order of the Lords Commissioners of Her Majesty's Treasury on the 17th July last being completed, I have the honor to report on the weight and fineness of the Coins, and to return the Bullion remaining.

The Coins were first weighed singly by the Mint balance, and were then handed to one of the assayers of the Mint, by whom each Coin has been separately assayed and reported upon.

The standard weight and fineness of the Coins have been maintained with the usual accuracy. In accordance with the directions of their Lordships, I have caused "Parting" assays to be made of the Silver Coins of each Presidency, in order to ascertain the average proportion of gold contained in them, and the result is shown in my Report. These assays have been made in the manner detailed in my Report of the 25th of October 1869.

I have, &c.,
(Sd.) C. W. FREEMANTLE.

Weight and Fineness of Coins issued from Indian Mints, 1878.

No of Pieces.	Mint.	Denomination of Coin.	Average weight of a piece grains.	Proportion of Silver in 1,000 parts.	Average proportion of Gold in the Silver Coins, as ascertained by Parting Assay in 1,000 parts.
40	Calcutta	Rupees	180.109	915.84	251
35	Do.	Half Rupees	89.989	916.26	
30	Do.	Qtr. Rupees	45.010	916.51	
30	Do.	Two-A n n a Pieces.	22.538	916.39	
40	Bombay	Rupees	179.980	915.82	257

(Sd.) C. W. FREEMANTLE,
Deputy Master and Comptroller.

ROYAL MINT,
2nd October 1879. }

ORDERED, that these papers be communicated to the Mint Masters, Calcutta and Bombay, for information.

Ordered also, that the papers be published in the *Gazette of India* for general information.

ment. Under those Rules the duration of Subsidiary Leave will be fixed automatically; and unless some exceptional concession is required, no orders granting such leave will be required from the Local Government.

No. 6.—In exercise of the powers conferred by the Opium Act, 1878, the Governor General in Council directs that the said Act shall come into force in the Territories administered by the Lieutenant-Governor of the Punjab on the 1st day of April 1880.

No. 7.—In exercise of the powers conferred by Section 6 of the Opium Act, 1878, the Governor General in Council directs that duty at the rate of Rs. 700 shall be levied on each chest of Malwa opium of 140½ lbs. avoirdupois net weight imported into the Punjab.

No. 9.—In exercise of the powers conferred by Section 13 of the Sea Customs Act, 1878, the Governor General in Council directs that goods imported into any port in British India from any port in the Portuguese possessions in India, shall be treated as regards payment of Customs-duties in the same manner as goods imported from British Indian ports are treated under the law and orders for the time being in force.

Provided that no wine or spirit shall be imported from any such Portuguese port without payment of the duty which would have been chargeable thereon if imported from any foreign port unless it is protected by the certificate of an officer empowered in that behalf by the Governor General of Portuguese India, that duty at a rate not lower than that specified in Schedule A of the Indian Tariff Act, 1875, has been paid on such wine or spirit before exportation from such Portuguese possessions.

This Notification shall take effect from the date on which the Treaty between the British and Portuguese Governments, published in the *Gazette of India* of the 20th December 1879, comes into force.

No. 10.—In exercise of the powers conferred by Section 8 of Act I of 1879 (The Indian Stamp Act, 1879,) the Governor General in Council has remitted the duties, with which the under-mentioned classes of instruments are chargeable, under the said Act, namely:—

- (1) Agreements of the kind described in Section 43 of the Dekkhan Agriculturists Relief Act, 1879;
- (2) Copies of instruments which the village Registrar has to deliver to the parties, under Section 58 of the Dekkhan Agriculturists Relief Act, 1879;
- (3) Powers-of-attorney furnished to relatives, servants or dependants under Section 68 of the Dekkhan Agriculturists Relief Act, 1879.

No. 11.—In exercise of the powers conferred by Section 35 of Act VII of 1870 (The Court Fees Act, 1870,) the Governor General in Council has—

- (I) remitted the fees payable in respect of powers-of-attorney furnished to relatives, servants or dependants, under Section 68 of Act XVII of 1879 (The Dekkhan Agriculturists Relief Act, 1879);

- (II) remitted in the case of suits instituted before Village Munsifs under Chapter V of Act XVII of 1879 (The Dekkhan Agriculturists Relief Act, 1879,) the fees payable in respect of the documents specified in the first or second schedule to the said Court Fees

Section 3, clause (v) or clause (w) of the said Act to which an agriculturist is not a party; (b) proceedings in matters relating to insolvency under Chapter IV of the said Dekhan Agriculturists Relief Act.

No. 13.—Money in the Public Treasuries and at credit of the Government in the Presidency Banks and their Branches on the 30th November 1879, with the corresponding figures on the same date in 1878 and 1877:—

		Rs.
1877	...	9,65,17,450
1878	...	10,09,88,210
1879	...	11,44,37,811

R. B. CHAPMAN,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 1st January 1880.

RETIREMENTS.

No. 1.—With reference to the G. G. Os. noted No. 656, dated the 25th June 1874. in the margin, and No. 1, dated the 1st January 1875. with the sanction No. 294, dated the 15th March 1875. of Her Majesty's No. 1, dated the 1st January 1876. Government; the No. 8, dated the 1st January 1877. Right Hon'ble No. 1, dated the 1st January 1878. the Governor No. 1, dated the 1st January 1879. General in Council is pleased to notify that:—

I. During the year 1880 ninety (90) Officers of the Staff Corps, and Cavalry and Infantry of the Indian Army, will be permitted to retire from the service, receiving, in addition to the pension to which they may be entitled by length of service under existing regulations, not exceeding the full-pay pension of a Colonel (£456-5-0 per annum), an annuity representing the estimated value of their prospective claim to the Colonel's allowance, or its capitalized value as they may prefer.

II. This offer is restricted to substantive Lieutenant-Colonels who shall have completed 28 years' service, from the date of first commission, on or before the date from which they apply to retire, who may either, 1st, have been appointed to one of the Staff Corps on or before the 12th September 1866, and can claim the Colonel's allowance under the provisions of G. G. O. No. 808 of the 26th September 1866, or 2ndly, may be entitled, under G. O. G. G. of the 12th September 1862, to the Colonel's allowance after 12 years' service in the rank of Lieutenant-Colonel.

III. The number allowed to retire under these conditions will be distributed as follows:—

For Bengal	...	40
„ Madras	...	30
„ Bombay	...	20

TOTAL ... 90

In the event of the whole of the retirements allotted to a particular Presidency not being taken up in that Presidency, those remaining will be distributed in such manner as may be determined by the Government of India.

IV. Applications to retire will be considered and disposed of successively according to priority of proposed dates of retirement until the number of retirements allotted to the service shall have been accomplished, when retirements under this order will cease for the year. In the event of its becoming necessary to select one from among two or three applicants for retirement on the same day, preference will be given according to seniority from date of first commission.

Officers wishing to retire under the terms of this order must, whether in or out of

receipt of their applications by the Adjutant-General on or before the date named, such date not to be earlier than the 1st April 1880.

VI. Officers whose applications are accepted, will be gazetted out from the dates named by themselves, but will continue to perform their duties and receive the pay and allowances of their positions until officially informed of their removal from the effective list, either by direct communication, or by publication of the Gazette at the station at which they may be serving.

VII. Officers retiring under this arrangement will forego both the good

G. G. O. No. 808 service pension, if they are of 26th September in receipt thereof, and all claim to bonus compensation

under the terms of the despatch of the 8th of August 1866,* No. 160.

VIII. Applicants to retire must state—

1st.—Their rank and service.

2nd.—Their age (supported by certificate of birth, or, in its absence, by a formal declaration).

3rd.—Whether they wish to receive commutation for their prospective allowances in the shape of an annuity, or to capitalize its value. Officers who desire to receive the capitalized value of the annuity must attach to their applications a certificate in the form given in Appendix A. In the case of Officers retiring out of India, the health certificate required will be called for and furnished under instructions from the India Office in London.

4th.—Whether they desire to receive payment, wholly, or in part, in India, or in England.

5th.—Their address subsequent to retirement.

6th.—They must also attach to their application or arrange to forward subsequently a No-demand certificate dated within three months of the date of their proposed retirement.

IX. The table given in Appendix B shows the rates at which the expectation of the Colonel's allowance will be calculated in carrying this order into effect in the case of Officers of various ages and service.

X. For the purpose of arriving at the amount payable in each case, whether as an annuity or in a single payment, Officers' ages will be calculated from their birthday next succeeding the date from which they propose to retire, and the number of years they have to serve before becoming entitled to the Colonel's allowance will be calculated from the date of the proposed retirement. When the period to serve contains a fraction of a year, the fraction, if it be six months or under six months, will be excluded altogether; if it exceeds six months, it will be reckoned as at complete year.

XI. Payments of the capitalized value of the annuity made in India under this order will be at the rate of exchange fixed for the adjustment of financial transactions between the Imperial and Indian Governments for the time being. Capitalized annuities of Officers retiring in India can, on receipt of telegram announcing retirement, be paid to their Agents in England, under power of attorney to be lodged at the India Office.

XII. Officers who elect to receive an annuity in preference to the capital sum, will not, after their retirements have appeared in the Gazette, be allowed to capitalize such annuity under the provisions of this order; and it is

XIII. Officers of the half-pay list of the Staff Corps will be permitted, if disposed to retire from the service, to avail themselves of this scheme of retirement, provided they are eligible thereto by the fulfilment, previously to their transfer to the half-pay list, of all the conditions required. The time passed by an Officer on the half-pay list of the Staff Corps

will not count towards the 12 years in the grade of Lieutenant-Colonel required to qualify for promotion to the Colonel's allowance. XIV. No application from Officers to cancel their retirement, or to change the date of such retirement, will be entertained after it has been announced in the official Gazette of the Presidency to which they belong.

APPENDIX A.

FORM OF MEDICAL CERTIFICATE IN THE CASE OF AN OFFICER IN INDIA APPLYING FOR THE CAPITALIZED VALUE OF THE ANNUITY.

I certify that I have examined Lieutenant-Colonel _____ of the _____ and find him to be in a state of health which affords the prospect of an average duration of life.

Station and date.

Surgeon.

N. B.—The certificate to be in the handwriting of, and signed in India by, the Medical Officer in charge of the regiment; or, if the Officer who applies to capitalize his annuity is not serving with a regiment, then by some other Civil or Military Medical Officer not under the rank of Surgeon-Major.

APPENDIX B.

TABLE FOR THE VALUATION OF PROSPECTIVE COLONEL'S ALLOWANCE.

Years to serve.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.
	Values.	Ages.	Annuities.	Values.	Ages.	Annuities.	Values.	Ages.	Annuities.	Values.	Ages.	Annuities.	Values.	Ages.	Annuities.	Values.	Ages.	Annuities.
	£		£ s.	£		£ s.	£		£ s.	£		£ s.	£		£ s.	£		£
12	2,310	42	176 10	2,231	43	172 13	2,160	44	169 9	2,095	45	166 17	2,037	46	164 16	1,984	47	163
11	2,508	43	194 5	2,425	44	190 5	2,351	45	187 4	2,285	46	184 16	2,226	47	183 5	2,174	48	182
10	2,726	44	213 17	2,640	45	210 4	2,564	46	207 8	2,496	47	205 10	2,439	48	204 11	2,390	49	204
9	2,967	45	236 6	2,879	46	232 18	2,801	47	230 12	2,735	48	229 8	2,682	49	229 8	2,640	50	230
8	3,236	46	261 15	3,145	47	258 19	3,069	48	257 8	3,008	49	257 5	2,962	50	258 11	2,930	51	261
7	3,536	47	291 1	3,446	48	289 1	3,375	49	288 14	3,321	50	289 19	3,288	51	293 4	3,244	52	295
6	3,874	48	324 18	3,790	49	324 4	3,727	50	325 7	3,687	51	328 16	3,640	52	331 9	3,583	53	333
5	4,260	49	364 8	4,185	50	365 7	4,137	51	368 19	4,081	52	371 13	4,012	53	373 18	3,949	54	375
4	4,704	50	410 14	4,646	51	414 6	4,580	52	417 1	4,508	53	419 6	4,431	54	421 19	4,353	55	421
3	5,222	51	465 14	5,143	52	468 6	5,058	53	470 10	4,969	54	472 1	4,876	55	473 4	4,775	56	473
2	5,781	52	526 8	5,680	53	528 7	5,576	54	529 14	5,467	55	530 12	5,358	56	531 7	5,243	57	531
1	6,385	53	593 18	6,261	54	594 17	6,135	55	595 8	6,008	56	595 17	5,883	57	596 5	5,750	58	595
0	7,038	54	668 12	6,890	55	668 12	6,712	56	668 12	6,597	57	668 12	6,452	58	668 12	6,302	59	668
	£		£ s.	£		£ s.	£		£ s.	£		£ s.	£		£ s.	£		£
12	1,935	48	162 6	1,888	49	161 11	1,849	50	161 8	1,817	51	162 1	1,779	52	162 19			
11	2,128	49	182 0	2,085	50	182 1	2,052	51	183 0	2,012	52	183 4	1,965	53	182 15			
10	2,349	50	205 2	2,315	51	206 9	2,271	52	206 17	2,222	53	206 13	2,165	54	205 14			
9	2,608	51	232 12	2,562	52	233 7	2,509	53	233 7	2,449	54	232 11	2,383	55	231 5			
8	2,887	52	262 18	2,830	53	263 5	2,766	54	262 15	2,695	55	261 11	2,619	56	259 13			
7	3,189	53	296 12	3,120	54	296 8	3,043	55	295 7	2,962	56	293 14	2,875	57	291 7			
6	3,515	54	333 19	3,433	55	333 3	3,344	56	331 13	3,252	57	329 11	3,153	58	326 15			
5	3,868	55	375 7	3,773	56	374 2	3,672	57	372 3	3,566	58	369 11	3,456	59	366 13			
4	4,251	56	421 10	4,142	57	419 16	4,027	58	417 6	3,909	59	414 13	3,789	60	411 18			
3	4,667	57	472 19	4,542	58	471 15	4,414	59	468 5	4,285	60	465 17	4,157	61	464 2			
2	5,118	58	530 8	4,979	59	528 4	4,839	60	526 1	4,701	61	524 18	4,555	62	523 11			
1	5,610	59	595 3	5,458	60	593 9	5,309	61	592 0	5,152	62	592 2	4,986	63	591 4			
0	6,150	60	668 12	5,989	61	668 12	5,818	62	668 12	5,639	63	668 12	5,460	64	668 12			

DIRECTIONS FOR THE USE OF THE TABLE.

Find in the marginal column to the left of the table the number of years the Officer has to serve before becoming entitled to the Colonel's allowance, and then in the same line of the table the Officer's age—in column 2). The figure in the same line to the right of this age (in column No. 3, "Annuities") shows the annuity, and the figure to the left of his age (in column No. 1, "Values") shows the capitalized value of the annuity.

The 2nd January 1880.

APPOINTMENTS AND PROMOTIONS.

No. 2.—STAFF CORPS—

The under-mentioned Officer having completed twenty years' service, including six years in the Staff Corps, is promoted to the rank of Major, from the date specified, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Captain George Alexander,—30th December 1879.

No. 3.—BREVET—

Lieutenant-Colonel Sussex William Lennox, Madras Infantry, is promoted to the rank of Colonel by Brevet, from the 27th December 1879, under the operation of the Royal Warrant of the 28th January 1878, Clause (b), paragraph 3, subject to Her Majesty's approval.

No. 4.—COMMISSARIAT DEPARTMENT—

Permanent.

Colonel G. R. Roberts, Assistant Commissary General, 1st class (on furlough), to be Deputy Commissary General.

Colonel J. S. Ogilvie, Assistant Commissary General, 2nd class, to be Assistant Commissary General, 1st class.

Lieutenant-Colonel J. V. Hunt, Deputy Assistant Commissary General, 1st class (Officiating Deputy Commissary General in the Field), to be Assistant Commissary General, 2nd class.

Colonel A. W. Montagu, Deputy Assistant Commissary General, 2nd class, and Officiating Assistant Commissary General, 2nd class, to be Deputy Assistant Commissary General, 1st class.

Major W. R. Bunbury, Sub-Assistant Commissary General, 1st class, to be Deputy Assistant Commissary General, 2nd class.

Captain A. T. S. A. Rind, Sub-Assistant Commissary General, 2nd class, and Officiating Deputy Assistant Commissary General, 2nd class, to be Sub-Assistant Commissary General, 1st class.

Lieutenant M. R. Spence, Sub-Assistant Commissary General, 3rd class (on furlough), to be Sub-Assistant Commissary General, 2nd class.

No. 5.—NATIVE ARMY—

In G. G. O. No. 1161 of 1879, 37th (Meerut) Regiment of Native Infantry, for "Ingram" read *Jugram*.

No. 6.—PUNJAB FRONTIER FORCE—

4th Sikh Infantry.

Jemadar Mahabir Singh, to be Subadar, *vice* Ganda Singh, invalided; Havildar Bhag

Singh, to be Jemadar, *vice* Mahabir Singh, promoted; Havildar Dalail Singh, to be Jemadar, *vice* Bhagwan Singh, invalided,—21st November 1879.

No. 7.—SUBORDINATE MEDICAL DEPARTMENT—

The under-mentioned Native Medical Pupils having passed their final examination are promoted to the grade of Passed Medical Pupil, without English qualification, from the dates specified against their names, and their services placed at the disposal of the Surgeon-General, Indian Medical Service:—

Agra Medical School.

Kalim Ooddeen . . . } From 13th October
Mahomed Noor . . . } 1879.

Lahore Medical School.

Karcem-ooddeen . . . } From 4th Novem-
Haider Shah . . . } ber 1879.

Temple Medical School.

Brijbasee Lall,—from 20th November 1879.

No. 8.—VOLUNTEER CORPS—

Tirhoot State Railway Volunteer Rifles.

Lieutenant Walter Mowbray Johnston, to be Captain.

FURLOUGH AND LEAVE.

No. 9.—The under-mentioned Officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant Colonel (Brevet Colonel) E. O'B. Horsford, S. C.,—(m.c.) for 2 years, 1 year 241 days under Rule XIV, Clause (2), and the remaining period without pay, under Rule XVI of the Regulations of 1868.

No. 10.—The under-mentioned Officer is granted special leave for two years, under the Resolution in the Public Works Department, No. 1605-27 E.-G., dated the 3rd September 1879:—

Major C. H. Luard, R. E., Superintending Engineer, 2nd grade, Public Works Department.

No. 11.—With reference to Foreign Department Notification No. 1349 G.-G., dated the 27th June 1879, Captain E. L. Durand, S. C., Political Assistant, 1st class, 1st Assistant to the Resident, Persian Gulf, and Officiating Political Agent, 3rd class, has been granted by the Right Hon'ble the Secretary of State for India, furlough (m. c.) for 243 days, under Rule XIV, Clause I, of the Regulations of 1868, with effect from the date of his leaving Persia on privilege leave.

No. 12.—G. G. O. No. 1096 of 1879, permitting Major-General F. R. Maunsell, R.E., to reside in India, under the provisions of G. G. O. No. 797 of 1872, is cancelled.

MEDICAL DEPARTMENT.

No. 13.—Under instructions from the Secretary of State for India, the Right Hon'ble the Governor General in Council is pleased to direct the following changes in the organization of the Medical Administrative Staff for the Army in India.

From the 31st March 1880, the British Army Medical Department and the Indian Medical Department will form one department for the medical administration of the Army in the three presidencies.

With effect from 22nd November 1879, *vice* Colonel R. Davidson, Deputy Commissary General, retired.

The establishment for the Bengal Army will consist of—

- | | |
|---|---------------------|
| 1 Surgeon-General, Army Medical Department | } at Head Quarters. |
| 1 Secretary to Surgeon-General, Army Medical Department | |
| 1 Secretary to Surgeon-General, Indian Medical Department | |

The statistical duties for the Army, British and Native, will be performed by the Statistical Officer attached to the Sanitary Commissioner with the Government of India.

The eleven circles of medical superintendence will be distributed as follows, each being held by a Deputy Surgeon-General:—

	Army Medl. Dept.	Indian Medl. Dept.
1. Allahabad Division . . .	1	...
2. Lahore Division . . .	...	1
3. Meerut Division . . .	1	...
4. { Oudh Division . . . } { Rohilkund District . . . }	1	...
5. Rawal Pindi Division . . .	1	...
6. Sirhind Division . . .	1	...
7. Eastern Frontier District . . .	...	1
8. Presidency District . . .	...	1
9. { Gwalior Division . . . } { Saugor District . . . }	...	1
10. Peshawar District . . .	1	...
11. Punjab Frontier Force . . .	...	1
	<u>6</u>	<u>5</u>

For the Madras Army—

- | | |
|---|---------------------|
| 1 Surgeon-General, Army Medical Department | } at Head Quarters. |
| 1 Secretary to Surgeon-General, Indian Medical Department | |

The six circles of medical superintendence will be distributed as follows, each being held by a Deputy Surgeon-General:—

	Army Medl. Dept.	Indian Medl. Dept.
1. { Centre District . . . } { Northern District . . . }	1	...
2. { Southern District . . . } { Malabar and Canara District . . . }	...	1
3. { Mysore Division . . . } { Ceded Districts . . . }	1	...
4. { Hyderabad Subsidiary Force . . . } { Hyderabad Contingent . . . }	...	1
5. { Nagpore Force . . . } { Central India Regiments . . . }	...	1
6. British Burmah Division . . .	...	1
	<u>2</u>	<u>4</u>

For the Bombay Army—

- | | |
|---|---------------------|
| 1 Surgeon-General, Army Medical Department | } at Head Quarters. |
| 1 Secretary to Surgeon-General, Indian Medical Department | |

The four circles of medical superintendence will be distributed as follows, each being held by a Deputy Surgeon-General:—

	Army Medl. Dept.	Indian Medl. Dept.
1. { Presidency District . . . } { Belgaum . . . } { Aden . . . }	...	1
2. Poona Division . . .	1	...
3. { Northern Division . . . } { Mhow Division . . . }	1	...
4. Sind District . . .	...	1
	<u>2</u>	<u>2</u>

With the exceptions which are named below, all these officers will be relieved from any civil administrative duties they may have hitherto performed.

The Deputy Surgeons-General of the Eastern Frontier District and of the British Burmah Division will, in addition to their military duties, exercise the civil medical administration of their

respective provinces, and will also perform the duties of Sanitary Commissioner in them.

The Deputy Surgeons-General of the Punjab Frontier Force and of the Sind District will exercise the civil medical administration of those provinces.

After making provision for the civil medical administration of the remaining provinces of British India, the establishment for which will be duly notified in the proper department, there will remain, below the rank of Surgeon-General, in excess of the establishment to be maintained for all duties—

Army Medical Department.

- 2 Deputy Surgeons-General,
- 3 Superintending Surgeons-Major,
- 2 Secretaries to Surgeons-General,
- 1 Statistical Officer to Surgeon-General.

Indian Medical Service.

- 6 Deputy Surgeons-General.

Orders have been already issued by Her Majesty's Government for the withdrawal of the surplus administrative officers of the Army Medical Department.

With a view to provide for the retirement, on favorable terms, of the surplus officers of the Indian Medical Service, the Right Hon'ble the Governor General in Council is pleased to offer to the Surgeons-General and the Deputy Surgeons-General of the three Armies their retirement on the extra pension of their grade, with an honorary step of rank, notwithstanding that they may not have completed the qualifying service for these pensions.

The number of retirements in each army will be restricted to two.

The option of retirement will be given in order of seniority; but applications to retire, which must be made to the Military Department of the Government to which the officer belongs, cannot be accepted after the 1st March 1880.

PENSIONS.

No. 14.—The under-mentioned out-pensioners of the Royal Hospital at Chelsea are permitted to draw their pensions in India, from the date they cease to receive regimental pay:—

Stewart Hall, late 54th Foot,—one shilling and nine pence per diem, including a Royal bounty for gallant conduct, six pence a day.

John Howsden, late 9th Lancers,—one shilling per diem.

John Forkgen, late 89th Foot,—one shilling per diem.

No. 15.—In G. G. O. No. 248 of 1878, against the name of Thomas Brooks, late 85th Foot, for "one shilling and one-half penny per diem," read *one shilling and one-half penny per diem.*

No. 16.—The permission granted to William Thomas, late 3rd Brigade, R. A., out-pensioner of the Royal Hospital at Chelsea, to draw his pension in India in G. G. O. No. 1162 of 1878, is cancelled.

RESIGNATIONS.

No. 17.—Surgeon R. Moodie, M. B., is permitted to resign the service, subject to Her Majesty's approval.

RETIREMENTS.

No. 18.—In continuation of G. G. O. No. 1215 of 1879, the under-mentioned Officers are permitted to retire from the service, with effect from the 31st December 1879, under the provisions of G. G. O. No. 1 of 1879, subject to Her Majesty's approval:—

Lieutenant-Colonel (Brevet Colonel) Alexander Gregor Forsyth, S. C.
Lieutenant-Colonel (Brevet Colonel) Edward Bertie Clay, S. C.
Lieutenant-Colonel Charles Peter Hunter, S. C.

No. 19.—The under-mentioned Officers employed in the Public Works Department are permitted to retire from the service, with effect from the 31st December 1879, under the terms of the Resolution in the Department of Finance and Commerce, No. 2079, dated the 31st July 1879, subject to Her Majesty's approval:—

Lieutenant-Colonel Edward Lempriere Earle, S. C.
Lieutenant-Colonel Edmund John Lemoyne Twynam, S. C.
Lieutenant-Colonel Arthur Edward Downing, Infantry.

REWARDS.

No. 20.—ORDER OF MERIT—

Jemadar Gunesa Sing, 3rd Sikh Infantry, Punjab Frontier Force, is admitted to the 3rd class of the Order of Merit, for conspicuous gallantry in leading his company up a steep hill under a very heavy fire from the enemy, and capturing with his own hands one of their standards at Camp Shuturgurdan, on the 2nd October 1879.

SPECIAL.

No. 21.—The Right Hon'ble the Governor General in Council having decided on assembling at Peshawar a Reserve Division composed of all arms of the service, is pleased to make the following appointments for the Command and Staff of the same, with effect from the dates on which the several officers take up the duties of the posts to which they are nominated:—

Major-General J. Ross, C.B., Unattached, Commanding.
Major H. Thompson, S. C., Assistant Adjutant General.
Major J. Creagh, 5th Foot, Assistant Quarter-Master General.

Captain W. Hailes, S. C., Deputy Assistant Quarter-Master General.
Captain C. L. Prendergast, General List, Infantry, Deputy Judge Advocate.

Artillery.

Lieutenant-Colonel H. M. G. Purvis, R. A., Commanding.
Captain C. H. Hamilton, R. A., Adjutant.

Cavalry Brigade.

Colonel G. C. Hankin, S. C., Commanding.
Lieutenant C. F. J. Douglas, 15th Hussars, Brigade Major.

1st Infantry Brigade.

Colonel W. Roberts, 5th Foot, Commanding.
Major S. B. Home, General List, Infantry, Brigade Major.

2nd Infantry Brigade.

Colonel R. S. Hill, Infantry, Commanding.
Captain H. M'L. Hutchinson, 14th Foot, Brigade Major.

3rd Infantry Brigade.

Brigadier-General W. A. Gib, Madras S. C., Commanding.
Major W. Coningham, Madras S. C., Brigade Major.

APPOINTMENTS.

No. 22.—BRIGADE—

With reference to G. G. O. No. 21 of this date, the Right Hon'ble the Governor General in Council is pleased to confer the rank of Brigadier-General (2nd class) on the under-mentioned officers, while they continue to be employed in command of brigades:—

Colonel W. Roberts, 5th Foot.
Colonel G. C. Hankin, S. C.
Colonel R. S. Hill, Infantry.

TRANSFER OF OFFICERS.

No. 23.—Captain Lord W. L. De la P. Beresford, V.C., 9th Lancers, Aide-de-Camp on the Personal Staff of His Excellency the Viceroy, has been permitted to resign his appointment at his own request, and his services are replaced at the disposal of His Excellency the Commander-in-Chief, with effect from the 23rd December 1879.

ALLEN JOHNSON, Colonel,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 31st December 1879.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officers, on the date specified, were received in the Military Department from 24th to 31st December 1879:—

Corps.	Rank and Names.	Date of Decase.	Place of Decase.	Testate or Intestate.	REMARKS.
Royal Engineers	Lieutenant J. T. Rice	23rd December 1879.	Kohat.		
2nd Battalion, 22nd Foot	2nd Lieutenant C. J. Bond	Ditto	Fort Chunar.		

Statement of Deposits on account of Estates from 21st to 31st December 1879.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
BRITISH MILITARY SERVICE.					Rs. A. P.		
E. W. Perry (a)	Captain	40th Foot	19th June 1879	No Will found	2,769 0 5 644 5 9	...	29th Feb. 1880.
J. R. Dyce	Major	Royal Artillery	14th July 1879	...	1,334 8 3	...	Ditto.
INDIAN MILITARY SERVICE.							
G. E. Macpherson (b)	Captain	Bengal Staff Corps	17th Sept. 1879	Intestate	3,057 10 3	...	Ditto.

(a)—*Next-of-kin*—Mother, believed to be residing at Stanley House, Leamington.
(b)—*Next-of-kin*—Major J. D. Macpherson, Edwardesabad.

ALLEN JOHNSON, Colonel,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENT.

Fort William, the 31st December 1879.

No. 525.—Lieutenant-Colonel R. deBourbel, R.E., Superintending Engineer, in charge of the Public Works, Biluchistan, will undertake the survey and construction of a railway between Quetta and Kandahar.

No. 527.—The following reversions are ordered in the Engineer Establishment attached to the Military Works Branch of the Public Works Department, with effect from the date specified:—

Names.	Present Grade.	Grade to which reverted.	With effect from	
Arnott, Captain N., R.E....	Temporary Executive Engineer, 2nd.	Temporary Executive Engineer, 3rd.	1879. September 14	In consequence of Captain Clive's reversion to military duty.
Birkbeck, M. ...	Temporary Executive Engineer, 3rd.	Temporary Executive Engineer, 4th.	.. 14	
Ward, Captain A. E. ...	Temporary Executive Engineer, 4th.	Assistant Engineer, 1st.	.. 14	
Corrigan, S. A. L. ...	Assistant Engineer, 1st.	Assistant Engineer, 2nd.	.. 14	
LeLievre, E. ...	Temporary Executive Engineer, 2nd.	Temporary Executive Engineer, 3rd.	.. 14	In consequence of Mr. Falkiner's retirement.
Wingate, Captain T. O. ...	Temporary Executive Engineer, 3rd.	Temporary Executive Engineer, 4th.	.. 14	
Johnston, Lieutenant J. T., R.E.	Temporary Executive Engineer, 4th.	Assistant Engineer, 1st.	.. 14	
Grant, A.	Assistant Engineer, 1st.	Assistant Engineer, 2nd.	.. 14	

No. 528.—Mr. C. C. Harold, Deputy Examiner, officiated as Examiner, Public Works Accounts, Bombay, from the 9th to the 30th November 1879, both dates inclusive.

No. 529.—Captain J. A. Armstrong, R.E., Executive Engineer, 1st Grade, Punjab Provincial Branch, is temporarily promoted to Superintending Engineer, 3rd Grade.

No. 530.—ERRATUM.—In Public Works Department Notification No. 508, dated 17th December 1879, reporting return of Mr. R. B. Duncan, Examiner, Public Works Accounts, from furlough, for "4th December" read "4th November."

No. 531.—Mr. S. C. G. Wood is appointed to the Traffic Department of State Railways as a Probationer for the Superior Class, and placed

under the orders of the Director General of Railways.

No. 532.—The Governor General in Council is pleased to accept the resignations of the under-mentioned Officers under the terms of Resolution No. 2079 of the 31st July 1879 of the Department of Finance and Commerce, with effect from the dates on which they may be relieved of their duties, which will be notified in the Local Gazette:—

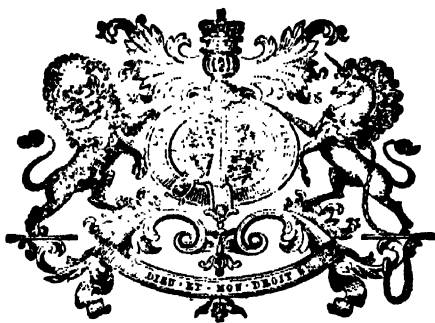
Mysore.

Henderson, W. M., Superintending Engineer, 3rd Grade, temporary rank.

Dobbs, R. C., Executive Engineer, 1st Grade, on furlough (from 2nd October).

Lynam, W. P., Executive Engineer, 4th Grade.

ALEX. FRASER, Major-Genl., R.E.,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 3, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid in advance.

	Rs.	A.	P.
Subscription for <i>Gazette</i> and Supplement per annum	15	0	0
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Postage	3	0	0
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For a single copy of the Supplement	0	8	0
Postage on single copies varies according to weight.			

E. J. DEAN,
Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 41 of 1879.

BAY OF BENGAL—GODAVERY DISTRICT.
COCANADA.

Black Buoy off Point Gordeware (Godavery).

With reference to Notice to Mariners, No. 37, issued from this Department on the 21st November 1879, the Port Officer, Cocanada, has notified that the Black Buoy off Point Gordeware (Godavery) has been replaced in position.

By Direction of the Government of India,

R. C. CARRINGTON,

In charge of Office,

for A. DUNDAS TAYLOR, Comdr. (late I.N.),
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey
Department;
The 24th December 1879.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 81, 71a, 70a, 828 and 829.

INDIAN MARINE SURVEY Charts, Nos. 113, 1172, 15b, 15c and 103a.

Also Taylor's Sailing Directory, Vol. I, page 465.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 42 of 1879.

BAY OF BENGAL—COROMANDEL COAST

Madras Semaphore.

With reference to Notice to Mariners, No. 40, issued from this Department on the 2nd December 1879, the Port Officer, Madras, has notified that when the Semaphore at the Master Attendant's flagstaff does not drop correctly, signal C V N J of the Commercial Code will be hoisted immediately and kept flying for half an hour.

By Direction of the Government of India,

R. C. CARRINGTON,

In charge of Office,

for A. DUNDAS TAYLOR, Comdr. (late I.N.),
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey
Department;
The 29th December 1879.

This Notice affects the following:—

BRITISH ADMIRALTY Chart, No. 71c.

INDIAN MARINE SURVEY Chart, No. 105.

Also Taylor's Sailing Directory, Vol. I, page 459.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 43 of 1879.

INDIA—WEST COAST.

Buoys at Calicut.

Respecting the Notice to Mariners, No. 33, issued from this Department on the 16th October 1879, Commander A. D. Taylor, Superintendent of Marine Surveys, after visiting Calicut, reports as follows:—

" 1. The buoys (alluded to by the Marine authorities at Madras) are merely intended for the small native craft, being only about two cables off shore.

" 2. The anchorage buoy for steamers has been relaid in four fathoms water, about half a cable northward of its last year's position, and the Custom House pier bears E. by N. from the buoy. All vessels must anchor to the northward of it to avoid the foul ground off Calicut.

" 3. The buoy which marks the outer side of the Coote reef has also been relaid."

By Direction of the Government of India,

R. C. CARRINGTON,

In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey
Department ;
The 30th December 1879. }

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 64, 747, 2737, and 827.

BRITISH ADMIRALTY West Coast of Hindostan Pilot, page 84.

INDIAN MARINE SURVEY Chart, No. 15a, and Taylor's Sailing Directory, Vol. I, page 405.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 31st December 1879.

No. 105.—Dr. J. Anderson, Superintendent, Indian Museum, availed himself, afternoon, on the 19th December 1879, of the leave granted him in Home Department Notification No. 273, dated 5th November 1879.

By Order of the Trustees,

H. B. MEDLICOTT,

Honorary Secretary.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 30th December 1879.

No. 22.—Mr. C. F. H. Maclean, an Assistant Superintendent of the 1st Grade, is allowed furlough for two years, under Section 21, and subsidiary leave for five days, under Section 34, of the Civil Leave Code, with effect from the afternoon of the 18th December 1879.

The 31st December 1879.

No. 23.—Mr. M. J. Brind, an Assistant Superintendent of the 1st Grade, is allowed subsidiary leave for seven days, under Section 35 of the Civil Leave Code, with effect from the forenoon of the 29th November 1879, to enable him to rejoin appointment on return from furlough.

R. MURRAY, *Colonel,*

Dir. Genl. of Tels. in India.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 29th December 1879.

No. 121.—Dr. J. E. Baker, Medical Superintendent, Persian Telegraph, having disembarked at Enzelli on the 14th October 1879 from special leave on private affairs, for six months, granted to him in Indo-European Telegraph Department Notification No. 116, dated 17th July 1879, the unexpired portion of his leave, viz., ten days, has been cancelled; and subsidiary leave for fourteen days, from 14th to 27th October 1879, has been granted to him by the Director, Persian Telegraph, under Section 35 of the Civil Leave Code, subject to the confirmation of the Director-in-Chief, Indo-European Telegraph.

No. 122.—Mr. F. T. B. Daniell, Superintendent of the 1st Division, Persian Telegraph, having returned to duty, on the forenoon of the 7th November 1879, from privilege leave, for three months, granted to him in Indo-European Telegraph Department Notification No. 119, dated 15th October 1879, the unexpired portion of his leave, viz., nineteen days, has been cancelled by the Director, Persian Telegraph.

W. PALMER,

Examiner of Telegraph Accounts.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 29th December 1879.

No. 48.—With reference to Government of India, Public Works Department, Notification No. 370, dated 19th September last, Baboo Umbica Churn Chowdry, Assistant Engineer, 1st Grade, was relieved of his duties on the afternoon of 30th idem.

No. 49.—With reference to Government of India, Public Works Department, Notification No. 484, dated 21st ultimo, Mr. W. H. Bonnaud, Executive Engineer, 4th Grade, was relieved of his duties on the afternoon of the 18th current.

By Order,

L. RUSSELL, Colonel, R.E.,
Secy. to Agent, Govr. Genl.,
for Central India.

PUBLIC WORKS DEPARTMENT— Military Works.

NOTIFICATIONS.

Simla, the 24th December 1879.

No. 99.—Major A. C. Padday, R.E., Executive Engineer, Dagshai Division, Military Works, is transferred from the Sirhind and Lahore Command, Military Works, to the Meerut Command, Military Works.

The Dagshai Division, Military Works, is hereby abolished as a separate Division, and incorporated with the Kasauli Division, Military Works, as a Sub-Division.

No. 100.—With reference to G. G. O. No. 1204, dated 12th December 1879, Major J. Birney, R.E., Executive Engineer, 1st Grade, is granted one month's subsidiary leave from 8th January 1880, or such subsequent date as he may be enabled to avail himself of it.

No. 101.—Honorary Lieutenant J. Mole, Assistant Engineer, is transferred from the Lahore and Sirhind Command to the Rawalpindi Command, Military Works.

No. 102.—With reference to Public Works Department Notification No. 509, dated 17th December 1879, Mr. F. W. Morse, Assistant Engineer, 2nd Grade, is appointed to officiate as Executive Engineer, Peshawar Division, Military Works, as a temporary arrangement, consequent on the departure of Captain M. A. Alves, R.E., Executive Engineer, on Field Service.

No. 103.—Mr. A. C. L. Learmonth, Assistant Engineer, is appointed to officiate as Executive Engineer, Dalhousie Division, Military Works, as a temporary arrangement, with effect from the afternoon of 10th October 1879.

C. W. HUTCHINSON, Lieut.-Genl., R.E.,
Insp. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 30th December 1879.

No. 50.—With reference to Public Works Department Notification No. 493, dated 5th December 1879, the under-mentioned Lieutenants, Royal Engineers, are posted to the Quetta-Kandahar and Quetta-Sukkur Railways:—

Quetta-Kandahar Railway.

W. W. Whiteford, Assistant Engineer, 1st Grade.

C. F. Fuller, Assistant Engineer, 1st Grade.

W. W. Robinson, Assistant Engineer, 1st Grade (temporary rank).

G. Davidson, Assistant Engineer, 1st Grade (temporary rank).

Quetta-Sukkur Railway.

S. A. E. Hickson, Assistant Engineer, 2nd Grade.

No. 51.—CORRIGENDUM.—In Notification by Director General of Railways, No. 40, dated Simla, November 27th, for "Sukkur-Quetta Railway," read "Quetta-Kandahar Railway."

No. 52.—With reference to Public Works Department Notification No. 517, dated the 20th December 1879, Mr. T. Knight, Executive Engineer, 1st Grade (temporary rank), is posted to the Pindi-Peshawar State Railway.

No. 53.—With reference to Public Works Department Notification No. 500, dated 11th instant, Mr. A. T. Chiodetti, Assistant Engineer, 3rd Grade, is posted to the Pindi Junction to Peshawar Section of the Punjab Northern State Railway.

No. 54.—CORRIGENDUM.—In Notification No. 23, by Director General of Railways, dated 10th November 1879, for "Mr. M. J. Chabrel, Assistant Engineer, 2nd Grade," read "Assistant Engineer, 1st Grade (temporary rank)."

The 31st December 1879.

No. 55.—With reference to Public Works Department Notification No. 538, dated 6th December 1878, the under-mentioned Officers having undergone a course of practical training for one year are posted as follows, with effect from the termination of the course of training:—

Assistant Engineers, 2nd Grade.

Mr. F. J. Pope, to the Western Rajputana State Railway, Northern Section.

Mr. A. S. Trevor, to the Neemuch-Nussecrabad State Railway.

Mr. J. R. Tickell, to the Rajputana State Railway.

Mr. R. W. Egerton, to the Pindi-Junction to Peshawar Section, Punjab Northern State Railway.

Mr. E. C. Elliot, to the Rahtial-Pindi Section of the Punjab Northern State Railway.

Assistant Engineer, 3rd Grade.

Mr. H. W. Bennett, to the Western Rajputana State Railway, Southern Section.

J. S. TREVOR, Major-Genl., R.E.,
Director General.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATIONS.

Nasirabad, the 29th December 1879.

No. 21.—The following Officers are posted to the Third Division, Nimach-Nasirabad State Railway, with effect from 23rd December 1879:—

Mr. W. B. Taylor, Executive Engineer, 3rd Grade (temporary rank).

Mr. W. G. Allen, Assistant Engineer, 1st Grade (temporary rank).

No. 22.—Mr. W. B. Carter, Executive Engineer, 1st Grade, transferred to this Railway by Director General of Railway's Notification No. 49, dated 24th December 1879, is posted to the Second Division.

A. C. CREGEEN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Rawalpindi Junction to Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 20th December 1879.

No. 4.—Referring to Public Works Department Notification No. 479, dated 17th November 1879, Mr. F. L. O'Callaghan, Superintending Engineer, 3rd Grade (temporary rank), took over charge of Engineer-in-Chief's Office of Pindi-Peshawar Section of Punjab Northern State Railway on the forenoon of 27th November 1879.

No. 5.—Referring to Director General of Railways' Notification No. 43, dated 4th December 1879, Mr. O. J. Shedlock, Assistant Engineer, 2nd Grade, reported his arrival at Rawalpindi on the forenoon of 9th December 1879, and is reposted to Attock Bridge Division.

F. L. O'CALLAGHAN, C.E.,
Engineer-in-Chief,
Pindi-Peshawar Section,
Punjab Northern State Railway.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION:

Agra, the 26th December 1879.

No. 62.—Mr. A. S. Gerrard, Assistant Engineer, 1st Grade, is placed temporarily in charge of the Ajmere Division of this Railway. Mr. B. W. Blood made over, and Mr. Gerrard assumed, charge of this Division on the 20th December 1879.

W. S. S. BISSET, Capt., R.E.,
Offg. Manager.

SINDIA-NEEMUCH STATE RAILWAY.

NOTIFICATIONS.

Neemuch, the 26th December 1879.

No. 30.—With reference to Director General of Railways' Notification No. 31, dated 15th November 1879, Mr. W. Wiseman, Executive Engineer, 4th Grade (temporary rank), reported his arrival at Rutlam on the 24th December, and is posted to the First Division, Neemuch and Nusseerabad State Railway.

No. 31.—Mr. G. Cowper, Assistant Engineer, 1st Grade (temporary rank), relieved Mr. Beeston, Assistant Engineer, of the charge of the Namlee Sub-Division, Jaora Division, on the afternoon of the 22nd instant. The Namlee and Jaora Sub-Divisions will from this date be amalgamated into one as the Jaora Sub-Division.

HORACE BELL,
Engineer-in-Chief.

Statement of the Affairs of the Bank of Bengal for the week ending 29th December 1879.

LIABILITIES.			ASSETS.		
	Rs.	A. P.		Rs.	A. P.
Capital paid-up	2,00,00,000	0 0	Government Securities	86,64,108	0 0
Reserve Fund	20,90,200	0 0	Loans on Government Securities, &c., at Head Office and Branches	63,70,035	1 8
	Rs.	A. P.	Accounts of Credit on Government Securities, &c., at Head Office and Branches	56,08,405	13 3
Public Deposits at Head Office	1,15,33,495	0 8	Bills discounted and purchased at Head Office and Branches	1,20,77,630	6 6
Public Deposits at Branches	1,06,64,101	10 3	Balances with other Banks	4,87,856	8 10
Other Deposits at Head Office and Branches	2,69,84,524	12 4	Bullion	27,261	3 0
Bank Post Bills, &c.	6,76,475	7 2	Dead Stock	9,93,539	10 8
Sundries	15,74,049	7 0	Stamps	6,847	15 0
			Sundries	2,73,322	7 4
				3,45,09,007	2 3
				Rs.	A. P.
			Cash and Currency Notes at Head Office	2,13,46,058	12 8
			Cash and Currency Notes at Branches	1,76,67,780	6 6
				3,90,13,839	3 2
				Rs.	A. P.
				7,35,22,846	5 5
				RUPEES	
				7,35,22,846	5 5
				RUPEES	

By order of the Directors,

BANK OF BENGAL,
Calcutta, 31st Dec. 1879.

W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

STATEMENT of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th December 1879.

PARTICULARS.	4 PER CENT. LOANS					4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PER PORTION.	5 PER CENT. DEBT- FREE FOR 15 YEARS, REPAYABLE JUNE 1882.	5 PER CENT. LOAN OF 1859-60.	TOTAL AMOUNT.
	3½ PER CENT. LOAN OF 1863-64.	Of 1872-73.	Of 1873-74.	Of 1874-75.	Of 1875-76.	Transfer of 1866.	REDUCED 4 PER CENT. LOAN OF 1879.	Of 1870.	Of 1871.	Of 1878.			
Balance on 30th November 1879	55,600	2,346	14,45,973	30,55,500	2,44,04,500	1,13,85,000	2,07,34,500	3,16,13,200	39,00,500	3,58,000	96,64,800	7,68,99,000	18,79,39,885
<i>Add—</i>													
Amount enforced at Madras between 1st and 15th December 1879 . . . . .	...	...	...	...	10,400	...	...	...	...	...	...	...	31,900
Amount enforced at Bombay between 1st and 15th December 1879 . . . . .	...	...	...	500	7,000	4,000	2,000	...	...	85,000	1,000	...	12,06,500
Amount enforced at Calcutta between 1st and 15th December 1879 . . . . .	...	...	1,22,007	20,300	3,12,900	500	83,700	3,39,100	1,04,400	2,500	...	...	19,85,467
<i>Deduct—</i>													
Amount written off in the London Registers	55,600	2,346	15,68,640	80,55,400	2,47,64,800	1,13,85,500	2,08,37,200	3,19,54,300	40,04,900	3,60,800	97,75,800	7,98,53,800	19,08,53,093
Balance on 15th December 1879 . . . . .	...	...	...	800	1,000	1,000	1,14,000	5,500	2,000	...	...	...	1,89,800
	55,600	2,346	15,68,640	80,55,400	2,47,64,800	1,13,85,500	2,07,13,200	3,19,48,800	40,02,900	3,60,800	97,75,800	7,98,02,400	19,08,65,093

NOTE.—From 9th June 1887 to 15th Oct. 1879, enforced from India, 3,577 lakhs; re-transferred from London, 3,138 lakhs.

" 16th Oct. 1879 to 31st Oct. "	" "	12 "	" "	" "	0 "
" 1st Nov. " to 15th Nov. "	" "	81 "	" "	" "	4 "
" 16th Nov. " to 30th Nov. "	" "	27 "	" "	" "	6 "
" 1st Dec. " to 15th Dec. "	" "	32 "	" "	" "	2 "
		3,729 lakhs.			3,169 lakhs.

Balance against India 561 lakhs.

PUBLIC DEBT OFFICE,

BANK OF ENGLAND;

Calcutta, 24th December 1879.

W. D. CRUICKSHANK,
Dy. Secretary and Treasurer.

COMPTROLLER GE

No. 1931.—Account of the Revenue and Expenditure of the Government of India for the

N. B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1879-80.	April to July 1878.	April to July 1879.	COMPARISON OF TWO YEARS.	
				Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	21,945,000	7,381,108	7,463,235	82,127	...
II.—Tributes	703,000	234,831	227,704	...	7,127
III.—Forest	670,400	76,008	110,492	34,484	...
IV.—Excise on Spirits and Drugs	2,742,000	860,778	947,621	86,843	...
V.—Assessed Taxes	896,000	13,600	430,412	416,812	...
VI.—Provincial Rates	2,740,000	887,663	960,835	73,172	...
VII.—Customs	2,848,000	729,353	696,695	...	32,658
VIII.—Salt	7,000,000	1,923,596	2,349,769	426,173	...
IX.—Opium	9,000,000	3,283,237	3,234,872	...	48,365
X.—Stamps	3,087,000	1,116,708	1,135,340	18,632	...
XI.—Mint	180,000	71,944	93,268	21,324	...
XII.—Post Office	983,000	281,283	332,385	51,102	...
XIII.—Telegraph	357,000	21,399	103,143	81,744	...
XIV.—Minor Departments	32,400	6,036	14,210	8,174	...
XV.—Law and Justice	888,000	280,376	282,802	2,426	...
XVI.—Police	233,000	23,137	70,215	47,078	...
XVII.—Marine	206,000	53,654	48,517	...	5,107
XVIII.—Education	139,000	36,468	47,876	11,408	...
XIX.—Medical	37,500	12,795	18,798	6,003	...
XX.—Stationery and Printing	46,000	8,422	13,731	5,309	...
XXI.—Interest	624,000	217,503	268,004	50,501	...
XXII.—Pensions	430,500	42,051	44,924	2,873	...
XXIII.—Miscellaneous	328,100	40,916	89,260	48,344	...
XXXI.—Gain by Exchange	431,000	110,843	148,056	37,213	...
TOTAL	55,946,900	17,713,709	19,132,194	1,418,485	...
XXX.—Army	844,500	242,067	301,667	59,600	...
XXIV.—Public Works Ordinary	461,000	68,532	110,733	42,201	...
XXV.—Irrigation	785,500	38,565	49,713	11,353	...
XXVI.—Traffic Receipts (Guaranteed Railways) less Gain by Exchange	10,305,700	3,073,070	3,200,222	127,152	...
XXVII.—State Railways	1,240,000	265,525	378,051	112,526	...
XXIX.—Provincial and Local Deficits	201,600	...	...	...	...
XXVIII.—Madras Canal	2,000	...	...	...	...
TOTAL	69,787,200	21,401,263	23,172,580	1,771,317	...
England, including Army and Public Works Ordinary...	213,100	71,075	76,539	464	...
GRAND TOTAL	70,000,300	21,472,338	23,249,119	1,771,781	...

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 2nd January 1880.

E. W. KELLNER,
Deputy Comptroller General.

NERAL'S OFFICE.

fourth month of the year 1879-80, as compared with the corresponding period of 1878-79.

sterling @ Rs. 10 to the pound sterling.

EXPENDITURE.	Estimates, 1879-80.	April to July 1878.	April to July 1879.	COMPARISON OF TWO YEARS.	
				Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,684,500	791,452	959,261	167,809	...
2.—Interest on Service Funds	385,000	66,520	69,310	2,790	...
3.—Refunds and Drawbacks	356,000	123,168	125,657	2,489	...
4.—Land Revenue	3,035,300	897,981	983,955	85,974	...
5.—Forest	505,900	77,589	100,005	22,416	...
6.—Excise	118,000	28,927	42,216	13,289	...
7.—Assessed Taxes	29,000	4,940	13,192	8,252	...
8.—Provincial Rates	53,000	55,242	14,283	...	40,959
9.—Customs	203,000	65,948	65,408	...	540
10.—Salt	383,000	168,542	115,654	...	52,888
11.—Opium	2,499,100	891,435	1,132,660	241,225	...
12.—Stamps	74,900	26,671	27,416	745	...
13.—Mint	87,300	41,400	29,078	...	12,322
14.—Post Office	983,300	293,429	334,023	40,594	...
15.—Telegraph	392,200	60,764	118,419	57,655	...
16.—Administration	1,279,600	407,433	422,520	15,087	...
17.—Minor Departments	346,600	97,537	107,619	10,082	...
18.—Law and Justice	3,379,500	1,143,701	1,122,408	...	21,293
19.—Police	2,472,000	779,812	788,207	8,395	...
20.—Marine	396,900	151,927	112,000	...	39,927
21.—Education	1,024,500	294,018	299,710	5,692	...
22.—Ecclesiastical	159,900	51,489	50,643	...	846
23.—Medical	679,000	192,141	201,495	9,264	...
24.—Stationery and Printing	345,900	81,399	96,598	15,199	...
25.—Political	375,700	106,403	118,200	11,797	...
26.—Allowances	1,887,900	410,265	466,881	56,616	...
27.—Civil Furlough and Absentee Allowances	2,000	1,255	1,175	...	80
28.—Superannuation	634,000	229,421	218,226	18,805	...
29.—Miscellaneous	245,000	72,310	93,254	20,944	...
30.—Famine Relief	10,000	52,532	11,178	...	41,354
38.—Loss by Exchange	3,952,000	1,066,936	921,463	...	145,473
TOTAL	20,980,000	8,732,617	9,192,024	459,407	...
37.—Army	14,135,300	3,967,844	4,412,101	444,257	...
31.—Public Works Ordinary	4,752,200	779,821	641,295	...	138,526
32.—Irrigation	1,034,800	305,951	265,287	...	40,664
Working Expenses (Guaranteed Railways), less Loss by Exchange.	5,444,700	1,393,179	1,226,814	...	166,365
33 { Surplus Profits paid to Railway Companies, less Loss	706,800	364,245	192,071	...	172,174
Guaranteed Interest in India, less Loss	14,000	8,298	5,659	...	2,639
Land and Supervision	75,700	21,666	21,084	...	582
34.—State Railways	995,000	233,137	342,007	108,870	...
36.—Provincial and Local Surpluses	16,800	...	...	...	...
35.—Madras Canal	...	...	...	...	...
TOTAL	57,155,300	15,806,758	16,298,342	491,584	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,246,200	5,099,097	4,961,451	...	137,646
TOTAL	71,401,500	20,905,855	21,259,793	353,938	...
<i>Productive Public Works.</i>					
Capital Expenditure in India	2,720,700	958,806	701,281	...	257,525
Ditto ditto in England	779,300	186,477	154,807	...	31,670
TOTAL	3,500,000	1,145,283	856,088	...	289,195
GRAND TOTAL	74,901,500	22,051,138	22,115,881	61,743	...

W. WATERFIELD,
Offg. Comptroller General.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTI- MATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Depart- ment.	Under Assay.	Assayed.	Held on account of the Cur- rency De- partment.
1879.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Dec. 22	5,55,000	1,71,800	...	5,55,387	89,53,502	45,32,789
" 23	3,60,202	1,70,206	1,348	9,21,206	87,70,369	43,74,590
" 24	...	1,78,587	...	9,21,206	88,86,368	42,07,075
" 25	Holi- days.					
" 26						
" 27						

CALCUTTA MINT, } J. F. TENNANT, Col., R.E.,
The 29th Dec. 1879. } Mint Master

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve
Treasury of the Government of India.

The 31st December 1879 ... Rs. 1,66,52,965-10-3

W. WATERFIELD,

Treasurer to the Govt. of India.

CALCUTTA, }
The 2nd January 1880. }

CURRENCY NOTES.

The following Currency Notes of the Govern-
ment of India are stated to have been lost, and
payment of their value has been claimed by the
persons whose names are placed against the num-
bers. Any other person having these Notes in
his possession, or claiming a right to them, is
warned to communicate at once with the under-
signed:—

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1879.		Rs.	
H194 ...	M 34—29727 ...	20	Roogji Moolchund, Nee- much.
H195 ...	M 47—07413 ...	10	Shunker Raoji, Rajkot.

BOMBAY. }
The 30th December 1879. }

W. WELLS,
Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
324 ...	O 66—78174 ...	100	Pir Buksh.
325 ...	O 67—41456 ...	100	Babu Nund Kumar Sen.
326 ...	O 52—25833 ...	10	Ramesur Maliah.
327 ...	O 56—54780 ...	20	Mr. J. D. M. Beglar, Sub-In- specter, General Post Office,
	" —54781 ...	20	

Calcutta Circle—continued.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
400 ...	O 66—74881 ...	100	Adalat Singh.
401 ...	O 44—50399 ...	10	Rev. J. E. Grieff.
402 ...	O 55—77920 ...	20	Golal Chand.
403 ...	O 26—99180 ...	20	Harakumar Chakravarti and Ramkumar Chakravarti.
404 ...	O 55—99482 ...	20	Shaik Neamutulla.
405 ...	O 66—77058 ...	100	Pir Buksh.
	O 67—10779 ...	100	
406 ...	L 55—00457 ...	5	The Treasury Officer, Muttra.
407 ...	O 57—61817 ...	20	Mr. W. McGregor.
408 ...	O 19—84417 ...	10	Babu Kanti Chunder Bhut- tacharjee.
409 ...	O 54—29708 ...	10	Babu Jogendra Nath Gan- guly.
203 ...	D 11—89919 ...	10	Babu Durgakant Neogie.
	O 13—22586 ...		
204 ...	O 49—93280 ...	10	Mr. H. H. Pell.
	" —37009 ...		
205 ...	L 24—22464 ...	5	Babu Prosonno Kumar Dutt.
	" —22483 ...		
206 ...	L 79—01892 ...	20	Babu Grish Chunder Bhutta- charjee.
	L 89—08654 ...		

CALCUTTA, }
The 2nd January 1880. }

R. A. STERNDALÉ,

Assistant Commissioner of Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
90 ...	B 57—42112 ...	20	B. Garudachar, care of S. Biligiri Aiyangar, Solicit- or, High Court, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
183 ...	B 40—85418 ...	5	C. Jagannathan and Rama- swami, No. 5, Vira- swami Pillai Street, Mad- ras.
184 ...	B 57—22934 ...	20	W. Pacha Saib, late Over- seer, D. P. W., Changulla Murri, Servil Taluk, Kurnool.
185 ...	B 57—27770 ...	20	T. Narraima Aiyar, Mad- ras.
186 ...	B 36—52331 ...	5	V. Runga Pillai, Madras.
187 ...	B 56—15749 ...	100	Ambur Chei Labai, Abdul Khader Sahib, New Town, Madras.

FORT SAINT GEORGE, }
The 24th December 1879. }

G. W. CLINE, LL.D.,

Asst. to the Acctt. Genl.,
in charge of Paper Currency Dept.,
for Offg. Commissioner.

NOTIFICATION.

It is hereby notified, under Section 5 of "The
Indian Treasure Trove Act (VI of 1878)," that
on the 7th November 1879 treasure consisting of
one copper idol, valued at Rs. 18, was found
in the village of Manjikudi, Negapatam Taluk,
Tanjore District, Madras Presidency.

2. All persons claiming the treasure, or any part
thereof, are requested to appear personally or by
agent before the Collector of Tanjore, at his
Office, on the 6th of May 1880, in order to
the matter being enquired into and determined in
accordance with the provisions of the said Act.

C. S. CROLE,

Acting Collector.

TANJORE COLLECTOR'S OFFICE; }

VELLUM, }
The 11th December 1879 }

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 11th December 1879.

The public are informed that, with effect from the 1st January 1880, the business connected with the issue and payment of Money Orders, both Inland and Foreign, will be transferred from the Treasury Department to the Post Office. The rules and conditions applicable to the issue and payment of Money Orders will be found in Section XV of the Postal Guide of December 1879.

2. Forms of applications for Money Orders may be obtained from any Post Office.

3. Money Orders issued by the Treasury Department prior to the 1st January 1880 will be payable by the Treasuries on which they are drawn and not by the Post Office.

E. R. DOUGLAS,

Offg. Depy. Dir. Genl. of the Post Office of India.

The 31st December 1879.

No. 8463.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, MADRAS.

Mr. T. C. D. Rozario, Postmaster, Bellary, has been appointed to act as Inspector of Post Offices, Bellary Division, *vice* Mr. W. F. Cockell, on deputation to the Punjab.

Mr. W. G. Wright, Postmaster, Calicut, has been appointed to act as Inspector of Post Offices, Calicut Division, *vice* Mr. C. Smith, on leave for three months from 17th October last.

• Mr. T. D. Dinwiddie has been appointed Inspector of Post Offices, Coorg Division.

G. J. HYNES,

for Dir. Genl. of the Post Office of India.

The 2nd January 1880.

SEA AND OVERLAND MAILS.

For	Box closes at	Date.	Per
Galle, Penang, Singapore, Hong-kong, Bangkok and Yokohama	6 p. m.	3rd Jan. 1880.	From Bombay.
Perian Gulf	6 "	5th "	Do.
Overland Mail <i>via</i> Bombay	6 "	7th "	Do.
Do. Book packets and parcels	6 "	8th "	Do.
Chittagong, Akyab, Bassien and Rangoon	6 "	9th "	Str. Commilla.
Bangoon, Moulmeln and Straits.	6 "	9th "	Str. Remba.
Madras, Ceylon, Batavia, Singapore, and China	6 "	10th "	F. Str. Moinam.
Madras and Ceylon	6 "	5th "	P. & O. Str. Australia.
Madras, Ceylon and the Intermediate Ports.	6 "	7th "	Str. Rajpootana.

N. B.—The Letter Box will close at 6 p.m. precisely, after which hour Overland Letters fully prepaid and bearing an extra postage stamp of two (2) annas on each cover will be received up to 6-30 p.m., or bearing an extra postage stamp of four (4) annas on each cover up to 7 p.m.

E. C. GEORGE,

Presidency Post Master.

NOTICE.

Treasury Officers are requested to take notice that Money Order advices and similar notices for Kurrachee ought to be addressed to the "*Deputy Collector in charge Huzur Accounts, Kurrachee,*" and not to the Collector, who will be absent from his head-quarters for several months.

R. WALLACE, *Colonel,*
Acting Collector of Kurrachee.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 3, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Forty-second Annual General Meeting of Subscribers will be held in the Town Hall on Saturday, the 31st January 1880, at 3 p.m., to receive the report of the Directors and to consider such matters as may then be submitted.

The meeting will afterwards be made special on the requisition of twelve qualified Subscribers, in accordance with Rule 60, for the consideration of the following propositions:—

- I.—That Rule 50, providing that “Annuities already due, or hereafter becoming due, on risks accepted before the 1st of July 1876, shall be payable to incumbents residing in Europe at the fixed rate of two shillings to the rupee,” be amended, and that all future disbursements on this account be made at the current rate of exchange.
- II.—That the privilege of exemption from payment of subscription granted to certain Subscribers under the rescinded Rules 45A and 45B be withdrawn.

By order of the Directors,
W. H. RYLAND,
Secretary.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE;
CALCUTTA,
The 16th December 1879.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 008776, of the 4½ per cent., of 15th January 1872, for Rs. 500, originally standing in the name of Buusilal Aberchund, and last endorsed to P. Doorgachellum Moodelliar, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

P. DOORGACHELLUM MOODELLIAR,
*Contractor, H. H. the Nizam's D. P. W.,
Market Street, Secunderabad.*

Lost

The Government Promissory Notes No. 059007 for Rs. 500, No. 059008 for Rs. 500, and No. 059009 for Rs. 1,300, of the 4½ per cent. of 1872, reduced to 4 per cent., originally standing in the name of John Meane, Surgeon-Major, A.M.D. (72nd Highlanders), and last endorsed to him, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

JOHN MEANE,
Nabha, near Umballa.
The 2nd December 1879.

No. II.

A Bill to provide for the levy of taxes for local purposes in Cantonments and for the revision of proceedings in trials held under Act No. XXII of 1864, section 20.

WHEREAS it is expedient to make further provision for the levy of taxes for local purposes in

Preamble.

Military Cantonments, and whereas it is also expedient to provide for the revision of the proceedings in trials held under the twentieth section of Act No. XXII of 1864 (to make provision for the Administration of Military Cantonments); It is hereby enacted as follows:—

1. This Act may be called “The Cantonments Act, 1880”; and it shall come into force at once.

2. In Act No. XXII of 1864 (to make provision for the Administration of Military Cantonments), after section sixteen the following shall be inserted, that is to say:—

16A. The Local Government may from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, impose in any military cantonment any tax which under any enactment in force at the date of such notification can be imposed in any municipality within the territories administered by such Government, and may, with the like sanction and by a like notification, abolish any tax so imposed.

16B. When any tax is leviable in a military cantonment under section 16A, the Local Government may from time to time, by notification in the official Gazette, apply or adapt to such cantonment the provisions of any enactment or rules in force at the date of such notification

for the assessment and recovery of any tax in any municipality within the territories administered by such Government.

16C. The proceeds of all taxes levied in any military cantonment under section 16A shall, after defraying therefrom the cost of assessing and collecting the same, be applied in such cantonment under the directions of the Local Government to the maintenance of the Police force and the carrying out of measures under the rules and regulations made under section 17.

3. In the same Act, for the last clause of section twenty the following shall be substituted (that is to say):—

“There shall be no appeal in any case tried under this section; but every person trying any such case shall, for the purposes of chapter XXII of the Code of Criminal Procedure, be deemed to be subordinate to the High Court, the Court of Session and the Magistrate of the District.”

4. In sections thirty-nine, forty and forty-one of the same Act, after the words “the provisions of this Act” the words “or any of them” shall be inserted.

5. Notwithstanding anything contained in any enactment for the time being in force, the Governor General in Council may, by an order in writing, prohibit the levy of the whole or any part of any tax in any Military Cantonment, and may, by a like order, rescind any such prohibition.

D. FITZPATRICK,
Secy. to the Govt. of India.



SUPPLEMENT TO The Gazette of India.

No 1. } CALCUTTA, SATURDAY, JANUARY 3, 1880.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

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No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA. PUBLIC WORKS DEPARTMENT. RAILWAY TRAFFIC.

RETURNS OF ACCIDENTS ON INDIAN RAILWAYS FOR THE 2ND QUARTER OF 1879.

No. 43R., dated Fort William, the 23rd December 1879.

RETURNS OF ACCIDENTS ON INDIAN RAILWAYS FOR THE 2ND QUARTER OF 1879.

Read again—

Public Works Department Circular No. 4R. of 5th March 1878.

„ „ „ „ 10R. of 12th March 1879.

Read also—

Returns of Accidents to Trains, &c., on the Open Lines of Railway in India for the quarter ended 30th June 1879.

No. 117T. of 18th November 1879, and annexure, from the Director General of Railways.

OBSERVATIONS.—The number of accidents to trains, rolling-stock, permanent-way, &c., increased from 752 in the corresponding quarter of the previous year to 1,065, or by 41·6 per cent., against an increase of 8·8 per cent. in the open mileage, and of 11·5 per cent. in the train mileage. The largest increase appears on the Sind, Punjab and Delhi Railway, and the largest decrease on the East Indian. The number of accidents on the former was 141 against 41, there being an increase of 100, and on the latter 171 against 246, there being a decrease of 75. There was also an increase of 40 accidents on the Northern Bengal State Railway and of 26 on each of the following three Railways, the Great Indian Peninsula, Punjab Northern, and Rangoon and Irrawaddy Valley.

2. On the Sind, Punjab and Delhi Railway the increase mainly took place under “Goods trains or parts of goods trains, engines, &c., leaving the rails,” and “Miscellaneous.”

3. On the East Indian Railway the derailments of goods trains, &c., increased from 39 to 64, but the number of miscellaneous accidents diminished from 107 to 6, apparently owing to the exclusion of accidents of a trifling nature which were included in the previous returns.

4. On the Northern Bengal there were 31 cases of broken rails against *nil* in the corresponding period of 1878.

5. The casualties resulting from accidents to trains, &c., were among passengers, 1 killed and 13 injured against 6 injured, and among Railway servants, 3 killed and 20 injured against 5 killed and 10 injured in the 2nd quarter of 1878. Of the casualties to passengers 6 were injured on the Punjab Northern State Railway by the bursting of a 3rd class carriage lamp, and of the casualties to Railway servants, 1 was killed and 4 injured by a collision on the Indus Valley State Railway.

6. There were 3 collisions between passenger trains or parts of passenger trains, by which 1 passenger was injured; 15 collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line, by which 2 passengers were injured and 1 servant killed and 5 injured; 42 collisions between goods trains or parts of goods trains, causing injury to 5 servants; 6 collisions between light engines, causing injury to 1 servant; 18 cases of passenger trains or parts of passenger trains leaving the rails; 203 cases of goods trains or parts of goods trains, engines, &c., leaving the rails; 28 cases of trains or engines travelling in the wrong direction through points; 2 cases of trains running into stations or sidings at too high a speed; 307 cases of trains running over cattle, by which 1 passenger was killed; 30 cases of trains running over obstructions on the line; 8 cases of trains running through gates at level crossings; and 16 cases of bursting of boilers, &c., of engines. There were 69 failures of engine machinery, 10 of wheels, 13 of axles, 36 of couplings and 1 of a culvert, by which 1 servant was killed and 3 injured.

7. There were also reported 32 cases of broken rails; 6 cases of flooding of portions of permanent-way; 5 cases of slips in cuttings and embankments, by which 1 servant was killed and 2 injured; 98 cases of fire in trains; 30 cases of fire at stations or involving injury to bridges or viaducts; and 87 miscellaneous accidents, by which 10 passengers and 4 servants were injured.

8. With one exception all the cases of broken rails took place on the Northern Bengal State Railway; all the cases of failures of wheels occurred on the Rangoon and Irrawaddy Valley Railway.

9. The number of cattle accidents was the largest on the South Indian, the number of cases of bursting of boilers or tubes, &c., of engines, on the Sind, Punjab and Delhi, the number of failures of machinery of engines and of fire in trains on the Indus Valley, and the number of failures of couplings on the Rangoon and Irrawaddy Valley.

10. The casualties to passengers from causes other than accidents to trains, &c., were 5 killed and 21 injured, of whom 1 was killed and 1 injured by falling between carriages and platforms; 3 injured by falling on to the platform, ballast, &c., when getting into or out of trains; and 4 killed and 17 injured by falling out of carriages during the travelling of trains.

11. Of other persons killed and injured by the running of trains, &c., 2 were killed whilst passing over railways at level-crossings; 21 killed and 13 injured whilst trespassing on the line; 9 committed suicide, and 2 were injured in attempting to commit suicide; and 6 killed and 5 injured from miscellaneous causes.

12. The accidents to servants in the employ of Railways or of contractors whilst performing duties connected directly with the transit of passengers and goods from causes other than accidents to trains, &c., consisted of 33 killed and 119 injured; of these, 4 were killed and 11 injured during shunting operations; 3 killed and 20 injured by falling off engines, vans, wagons, &c.; 2 injured by coming in contact with overbridges, &c., during the travelling of trains; 1 killed and 2 injured by coming in contact while shunting with vehicles, &c., standing in adjoining lines; 4 killed and 7 injured whilst getting on or off trains, engines, &c.; 1 killed and 15 injured whilst loading, unloading or sheeting; 2 injured whilst breaking, spragging, or chocking wheels; 11 injured whilst working on the permanent-way or in sidings; 1 injured whilst walking along the line on the way home or to work; 6 killed and 5 injured whilst walking, crossing or standing on the line; 2 killed and 1 injured whilst passing between vehicles; 1 killed and 4 injured whilst attending to the machinery of engines; 3 killed and 2 injured whilst attending to gates at level-crossings; 3 killed and 1 injured by falling or being caught between vehicles and platforms; 1 killed and 6 injured by falling off ladders, scaffolds, platforms, &c.; 3 injured by the falling of lamps, wagon doors, timber, weights, &c.; 2 killed and 17 injured whilst coup-

ling or uncoupling wagons ; and 2 killed and 9 injured from miscellaneous causes.

13. The following table exhibits the total numbers of persons killed and injured from causes connected with the working of trains as compared with those in the previous corresponding quarter :—

	2ND QUARTER, 1878.		2ND QUARTER, 1879.	
	Killed.	Injured.	Killed.	Injured.
<i>Passengers.</i>				
From causes beyond their own control . . . . .	...	8	...	14
From misconduct or want of caution	1	12	6	20
<i>Servants.</i>				
From causes beyond their own control	15	30	6	48
From misconduct or want of caution	26	57	30	91
<i>Others.</i>				
Whilst passing at level-crossings	3	4	2	...
Trespassers including suicides	41	10	30	15
Other persons	5	3	6	5
TOTAL	91	124	80	193

14. In addition to the above, 29 persons are reported to have been killed and 38 injured in yards, workshops, &c., and 92 passengers to have met death in carriages and stations from causes unconnected with the working of trains.

15. It is stated that 1,691 heldars, &c., employed on maintenance on the Rajputana State Railway were not included with the number of employes shown in the Accident Returns of that line for the 1st quarter of 1879, and that the train-mileage shown in the returns under review is exclusive of the train-mileage run for Departments other than traffic.

16. There appears to be a diversity of practice in regard to the mode of arriving at the average number of servants employed.

RESOLUTION.—With a view to secure uniformity of practice, the Government of India desires that the number of employes to be shown in these returns should be obtained by taking the number actually on the list on the 1st day of each month and then dividing the total by 3. The classes of servants to be included should be as enumerated in clauses IX to XI of para. 5 of Public Works Department Circular No. 4R. of 5th March 1878. Further, the train-mileage required to be shown in Tables 3 and 4 should be the train-mileage of all descriptions, *i.e.*, the mileage of trains run for traffic purposes, as also of those run for the Locomotive and Engineering Departments.

ORDER.—Ordered, that this Resolution be communicated to the Governments, Administrations and Officers noted in the margin for information and guidance, together with copies of the returns compiled.

Madras, Bombay, Bengal and the North-Western Provinces and Oudh.
Central Provinces, British Burmah and Hyderabad.
The Consulting Engineers to the Government of India for Guaranteed Railways.

Ordered also, that these papers be forwarded to the Government, Administrations and Officer marginally noted for information, and to the Foreign Department for communication to the Chief Commissioner of Mysore and Coorg for information.

Punjab.
Assam.
Rajputana.
Central India.
Director General of Railways.

and that copies be forwarded to the Secretary of State for the information of Her Majesty's Government.

Ordered further, that this Resolution, with the Abstract Returns, be published in the Supplement to the *Gazette of India*.

J. S. TREVOR, *Major-Genl., R.E.,*
Offg. Depy. Secy. to the Govt. of India.

DEATHS OF PERSONS REPORTED, DURING THE SECOND QUARTER OF 1879, AS KILLED OR INJURED ON THE SEVERAL RAILWAYS OPEN FOR TRAFFIC IN INDIA, DISTINGUISHING BETWEEN PASSENGERS, RAILWAY SERVANTS AND OTHER PERSONS; AND DISTINGUISHING ALSO, IN THE CASE OF THE TWO FORMER CLASSES, BETWEEN ACCIDENTS HAPPENING FROM CAUSES BEYOND THEIR OWN CONTROL, AND ACCIDENTS HAPPENING OTHERWISE.

Miles Run Mileage open.	RAILWAYS.	PASSENGERS.						RAILWAY SERVANTS OR SERVANTS OF CONTRACTORS.						OTHER PERSONS.						TOTAL ALL CLASSES.															
		From Causes beyond their own Control.			From their own Misconduct or want of Caution.			Total.			From Causes beyond their own Control.			From their own Misconduct or want of Caution.			Total.				Whilst passing over Railways at Level Crossings.			Trespassers and Suicides.			Miscellaneous not included in preceding Columns.			Total.					
		Killed.		Injured.	Killed.		Injured.	Killed.		Injured.	Killed.		Injured.	Killed.		Injured.	Killed.		Injured.		Killed.		Injured.	Killed.		Injured.	Killed.		Injured.	Killed.		Injured.	Killed.		Injured.
1,503½	East Indian	1878	...	1	...	2	...	3	5	7	4	13	9	20	2	1	19	3	2	...	28	4	32	27	...	...	...	...	...	...	...	...	...	...
1,503½	...	1879	...	2	...	7	...	9	...	11	5	21	5	32	2	...	8	4	...	10	4	17	45	...	...	...	...	...	...	...	...	...	...	...
(a)171½	Eastern Bengal	1878	...	...	...	...	...	...	...	...	2	2	4	2	...	...	1	...	...	1	...	5	2	...	...	...	...	...	...	...	...	...	...	...
(a)171½	...	1879	...	...	...	...	...	...	...	1	3	2	3	3	...	...	...	1	...	...	...	...	8	4	...	...	...	...	...	...	...	...	...	...
547½	Oudh and Rohilkhand	1878	...	...	...	1	...	7	4	4	2	1	6	5	...	1	5	2	1	...	6	3	12	15	...	...	...	...	...	...	...	...	...	...
547	...	1879	...	1	...	3	...	4	2	6	...	4	2	10	...	...	2	...	2	...	4	...	7	14	...	...	...	...	...	...	...	...	...	...
9983½	Sind, Punjab and Delhi	1878	...	...	...	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
(b)983½	...	1879	...	...	...	2	...	3	1	4	...	18	5	22	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
858	Madras	1878	...	...	...	1	...	1	...	...	3	6	3	6	...	...	2	...	...	...	2	...	5	7	...	...	...	...	...	...	...	...	...	...
857	...	1879	...	...	...	2	...	2	...	...	...	5	...	5	...	...	4	...	...	...	4	...	4	...	...	...	...	...	...	...	...	...	...	...
607	South Indian	1878	...	...	...	...	...	...	...	...	...	4	11	4	1	...	1	...	...	...	...	...	7	11	...	...	...	...	...	...	...	...	...	...
611	...	1879	...	...	...	...	...	3	...	...	3	2	3	2	...	...	...	...	...	...	...	...	3	8	...	...	...	...	...	...	...	...	...	...
1,268½	Great Indian Peninsula	1878	...	...	...	...	...	...	5	12	7	19	12	31	...	...	10	3	...	2	10	5	32	36	...	...	...	...	...	...	...	...	...	...
1,268½	...	1879	...	...	...	...	...	...	1	5	8	25	9	30	...	...	8	6	1	...	9	7	16	27	...	...	...	...	...	...	...	...	...	...
444	Bombay, Baroda and Central India	1878	...	...	...	1	...	1	...	8	...	2	...	5	...	...	...	1	1	...	1	1	1	7	...	...	...	...	...	...	...	...	...	...
444	...	1879	...	...	...	...	...	...	1	3	1	3	2	6	...	...	1	1	3	4	...	...	6	11	...	...	...	...	...	...	...	...	...	...
26	Calcutta and South-Eastern	1878	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
26	...	1879	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
27½	Nalhati	1878	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
27½	...	1879	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2195	...	1878	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

[illegible]

TABLE	
NUMBER OF PERSONS reported, during the Second Quarter of 1879, as KILLED or INJURED on the several RAILWAYS open for practicable, the Nature and Causes of the	
1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
29	30
31	32
33	34
35	36
37	38
39	40
41	42
43	44
45	46
47	48
49	50
51	52
53	54
55	56
57	58
59	60
61	62
63	64
65	66
67	68
69	70
71	72
73	74
75	76
77	78
79	80
81	82
83	84
85	86
87	88
89	90
91	92
93	94
95	96
97	98
99	100

[illegible]

ic in INDIA, distinguishing between PASSENGERS, RAILWAY SERVANTS and OTHER PERSONS, and classifying, as far as accidents occasioning the Death or Injury.

[illegible]

TABLE No. 3.

REPORTS TO TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported, during the Second Quarter of 1879, as having occurred on the several Railways open for Traffic in INDIA, distinguishing the different CLASSES of ACCIDENTS, and the Number of PASSENGERS and OTHERS, and of Railway Servants, KILLED or INJURED in each Class of Accident.

[illegible]

SEE ALSO TABLE NO. 4.

	CALCUTTA AND SOUTH-EASTERN.						NAGPUR.						NORTHERN BENGAL.						TIRHOOOT.									
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.				
		Killed.	Injured.	Killed.	Injured.			Killed.	Injured.	Killed.	Injured.			Killed.	Injured.	Killed.	Injured.			Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.
ions between passenger trains or parts of passenger trains			
ions between passenger trains and goods or mineral trains, engines and vehicles			
anding foul of the line			
ions between goods trains or parts of goods trains			
ions between light engines			
nger trains or parts of passenger trains leaving the rails			
t trains or parts of goods trains, engines, &c., leaving the rails			
s or engines traveling in the wrong direction through points			
s running into stations or sidings at too high a speed			
ditto over cattle on the line			
ditto over obstructions on the line			
ditto through gates at level-crossings			
ursting of boilers or tubes, &c., of engines			
ailure of machinery, springs, &c., of engines			
ditto of tyres			
ditto of wheels			
ditto of axles			
ditto of brake apparatus			
ditto of couplings			
ditto of tunnels, bridges, viaducts, culverts, &c.			
n rails			
ooding of portions of permanent-way			
n cuttings or embankments			
a trains			
t stations or involving injury to bridges or viaducts			
accidents			
TOTAL ALL CLASSES	7	...	...	...	...	...	4	...	...	...	...	...	60	...	...	2	...	...	...	...	...	...	...	...	...

Passenger-miles	...	...	...	...	...	1,636,878	793,916	6,493,021	3,889,777
Servants employed	...	...	...	...	...	241	172	1,758	871
re of all descriptions	...	...	...	...	...	10,680	9,974	139,454	89,546

[illegible]

SEE ALSO TABLE NO. 4.

	SINDIA.				HOLKAR AND SINDIA-NERETCH.				GATEWAY OF BARODA'S.				KHARGAON.				AMBOLI.			
	Number of Passengers and others.		Number of Servants.		Total all Classes.	Number of Passengers and others.		Number of Servants.		Total all Classes.	Number of Passengers and others.		Number of Servants.		Total all Classes.	Number of Passengers and others.		Number of Servants.		Total all Classes.
	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	
No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Missions between passenger trains or parts of passenger trains	1																			
Missions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	1																			
Missions between goods trains or parts of goods trains																				
Missions between light engines																				
Passenger trains or parts of passenger trains leaving the rails																				
Goods trains or parts of goods trains, engines &c., leaving the rails																				
Engines or engines travelling in the wrong direction through points																				
Trains running into stations or sidings at too high a speed																				
Cattle running over cattle on the line																				
Ditto over obstructions on the line																				
Ditto through gates at level crossings	1																			
Bursting of boilers or tubes, &c., of engines																				
Failure of machinery, springs, &c., of engines																				
Failure of tyres																				
Failure of wheels																				
Failure of axles																				
Failure of brake apparatus																				
Failure of couplings																				
Failure of tunnels, bridges, viaducts, culverts, &c.																				
When rails																				
Flooding of portions of permanent-way																				
Pe in cuttings or embankments																				
Pe in trains																				
Pe at stations or involving injury to bridges																				
Pe at stations or involving injury to bridges																				
Pe at stations or involving injury to bridges																				
Pe at stations or involving injury to bridges																				
Pe at stations or involving injury to bridges																				
Pe at stations or involving injury to bridges																				
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Pe at stations or involving injury to bridges																				
Pe at stations or involving injury to bridges																				

TABLE No. 3.—ACCIDENTS TO TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported, during the Second Quarter of 1879, &c.,—*concluded.*

[illegible]

TABLE

ACCIDENTS to ROLLING-STOCK, PERMANENT-WAY, &c., on the several RAILWAYS open for Traffic in INDIA, during the and the Number of Railway Ser

RAILWAYS.			1. Collisions between passenger trains or parts of passenger trains.	2. Collisions between passenger trains and goods or mineral trains, engines, and vehicles standing foul of the line.	3. Collisions between goods trains or parts of goods trains.	4. Collisions between light engines.	5. Passenger trains or parts of passenger trains leaving the rails.	6. Goods trains or parts of goods trains, engines, &c., leaving the rails.	7. Trains or engines travelling in the wrong direction through points.	8. Trains running into stations or sidings at too high a speed.	9. Trains running over cattle on the line.	10. Trains running over obstructions on the line.	11. Trains running through gates at level-crossings.	12. The hursting of boilers or tubes, &c., of engines.	13. The failure of machinery, springs, &c., of engines.	14. The failure of tyres.	15. The failure of wheels.	16. The failure of axles.	17. The failure of brake apparatus.	18. The failure of couplings.	19. The failure of tunnels, bridges, viaducts, culverts, &c.	20. Broken rails.
GUARANTEED.	East Indian	...	2	1	7	3	6	64	12	...	38	3	...	...	4	...	...	4	...	1	...	...
	Eastern Bengal	...	...	...	...	...	...	...	...	...	21	...	...	...	6	...	...	...	...	...	...	...
	Oudh and Rohilkhand	...	...	1	1	...	...	11	2	...	26	1	...	...	...	...	...	...	...	...	...	...
	Sind Punjab and Delhi	...	1	4	8	2	5	34	6	1	8	4	3	10	7	...	...	2	...	4	...	...
	Madras	...	...	1	1	...	...	11	...	...	17	1	...	...	...	...	...	1	...	1	...	...
	South Indian	...	...	...	2	...	...	9	...	...	45	1	1	...	5	...	...	...	...	1	...	...
	Great Indian Peninsula	...	...	...	10	...	1	21	1	...	14	3	2	1	10	...	...	3	...	1	...	1
	Bombay, Baroda and Central India	...	...	...	...	...	...	11	...	...	1	...	...	...	...	...	...	...	...	1	...	...
STATE.	Calcutta and South-Eastern	...	...	...	...	...	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...	...
	Nalhati	...	...	...	...	...	...	...	...	...	1	...	...	...	2	...	...	...	...	...	...	...
	Northern Bengal	...	...	1	3	...	...	3	...	...	11	1	...	...	2	...	...	...	...	1	...	31
	Tirhoot	...	...	...	...	...	...	4	...	...	3	...	...	...	...	...	...	...	...	...	...	...
	Patna-Gya	...	...	...	...	...	1	3	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Punjab Northern	...	...	1	...	...	...	4	1	...	6	1	1	...	6	...	...	...	...	7	...	...
	Indus Valley	...	...	5	...	1	2	...	...	1	33	4	...	2	10	...	...	...	...	1	...	...
	Muttra-Hathras	...	...	...	...	...	...	2	...	...	2	...	...	1	...	...	...	...	...	...	...	...
	Rajputana	...	...	...	8	...	2	18	...	...	33	3	...	...	1	...	...	...	...	4	...	...
	Sindia	...	...	1	1	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
	Holkar and Sindia Necnuch	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
	Gaekwar of Baroda's	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Khámgaon	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Amráoti	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
	Wardha Valley	...	...	...	...	...	...	2	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Dhond-Manmád	...	...	...	...	...	...	3	...	...	10	2	...	...	1	...	...	...	...	6	...	...
	Nisam's	...	...	...	...	...	...	1	1	...	4	...	...	1	...	...	...	1	...	...	...	...
	Rangoon and Irrawaddy Valley	...	...	...	1	...	...	1	5	...	14	4	...	1	6	...	10	2	...	9	...	...

No. 4.

Second Quarter of 1879, distinguishing the different CLASSES of ACCIDENTS, the Number of PASSENGERS and OTHERS KILLED OR INJURED thereby.

21. The flooding of portions of permanent way.	22. Slips in cuttings or embankments.	23. Fire in trains.	24. Fire at stations or involving injury to bridges or viaducts.	25. Other accidents.	Total all Classes.	NUMBER OF PASSENGERS AND OTHERS.		NUMBER OF SERVANTS.		TOTAL ALL CLASSES.		Mean miles of Railway open.	Number of Passengers carried.	Train mileage of all descriptions.	Passenger mileage.	PER MILE OPEN.			TOTAL PASSENGERS.			
						Killed.	Injured.	Killed.	Injured.	Killed.	Injured.					Number of Passengers carried.	Train mileage of all descriptions.	Passenger mileage.	PER MILLION OF PASSENGERS.		PER MILLION OF PASSENGER MILES.	
																			Killed.	Injured.	Killed.	Injured.
13	7	6	171	...	2	...	...	...	...	2	1,503	2,210,018	2,408,059	150,386,955	1,470	1,602	100,037	...	0.90	...	0.08
...	3	...	1	31	...	...	...	...	...	...	171	534,981	156,260	18,288,206	3,115	910	106,482	...	...	...	...
...	3	1	3	49	1	...	...	...	...	1	547	868,750	333,222	45,980,720	1,588	609	84,060	1.151	...	0.022	...
...	10	5	27	141	...	1	...	...	...	1	663	1,081,737	702,813	71,607,606	1,630	1,059	107,924	...	0.92	...	0.01
1	8	1	4	47	...	...	...	...	...	...	857	781,455	557,818	35,866,701	912	651	41,851	...	...	...	...
...	8	...	7	79	...	...	...	...	...	...	611	1,409,205	331,227	51,157,128	2,306	542	83,737	...	...	...	...
1	5	3	2	5	84	1	6	1	6	1,268	1,243,172	1,948,169	77,935,043	980	1,536	61,462
...	1	14	1	3	1	3	444	1,520,716	363,817	42,046,243	3,425	819	94,699
...	...	...	...	7	...	...	...	...	...	...	28	169,179	10,680	1,636,878	6,042	381	58,459	...	...	...	...
...	1	...	...	4	...	...	...	...	...	...	27	40,419	9,974	793,916	1,497	369	29,404	...	...	...	...
...	...	4	3	60	...	2	...	1	...	3	222	153,599	133,454	6,493,021	690	600	29,156	...	13.02	...	0.30	
...	...	...	...	7	...	...	...	...	...	...	82	121,076	33,546	3,839,777	1,476	499	46,826	...	...	...	...
...	...	...	...	5	...	...	...	...	...	...	40	42,546	9,708	1,153,706	1,063	242	28,842	...	...	...	...
...	2	3	7	39	...	8	...	...	...	8	103	303,681	90,017	14,158,906	2,948	874	137,465	...	26.34	...	0.50
...	31	...	3	102	...	...	1	5	1	5	501	209,274	206,097	12,985,750	418	411	25,919	...	...	...	...
...	...	...	1	6	...	...	...	...	...	...	29	90,567	11,034	1,879,001	3,123	380	64,793	...	...	...	...
1	2	2	...	74	...	...	...	...	...	...	428	462,821	384,732	26,440,731	1,080	838	61,705	...	...	...	...
...	...	...	1	4	...	...	...	...	...	...	35	49,567	12,810	1,473,674	1,406	363	41,806	...	...	...	...
...	9	1	3	24	...	...	...	...	...	...	172	222,949	117,465	8,518,873	1,296	683	49,528	...	...	...	...
1	...	...	...	2	...	...	...	...	...	...	29	35,583	9,737	610,542	1,227	335	21,053	...	...	...	...
...	...	...	...	1	...	...	...	...	...	...	8	15,992	2,912	127,936	1,999	364	15,992	...	...	...	...
...	...	...	...	2	...	...	...	...	...	...	6	32,148	1,236	192,888	5,358	206	32,148	...	...	...	...
...	3	...	...	6	...	...	...	...	...	...	45	21,009	10,688	537,527	467	235	11,945	...	...	...	...
2	...	...	1	25	...	...	...	...	...	...	127	50,955	49,282	2,640,373	401	386	20,700	...	...	...	...
...	...	...	...	2	10	...	...	...	...	...	121	73,764	65,883	4,045,806	610	544	33,437	...	...	...	...
...	2	4	12	71	...	...	...	5	...	5	161	276,456	92,713	11,995,522	1,717	575	74,506	...	...	...	...
6	5	98	80	87	1,045	1	10	9	90	4	93	3,000	15,000,000	3,000,000	150,000,000	1,400	975	75,000	0.08	1.08	0.0020	0.02

GOVERNMENT OF INDIA.
HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

AMALGAMATION OF THE DEPARTMENT OF REVENUE, AGRICULTURE AND
COMMERCE WITH THE HOME DEPARTMENT OF THE GOVERNMENT
OF INDIA.

From the Government of India, to Her Majesty's Secretary of State for India,—No. 52 (Public), dated Simla, the 28th July 1879.

In His Grace the Duke of Argyll's despatch No. 16 (Revenue), dated the 27th April 1871, the sanction of Her Majesty's Government was given to the formation of a separate Department under the Government of India for the transaction of business connected with Revenue, Agriculture, Forests, Commerce, and the Industrial Arts of India. Effect was given to this sanction in June 1871; and the Department which was then constituted was designated the "Department of Revenue, Agriculture and Commerce."

2. In July 1878, we deemed it desirable to appoint a Committee of our Secretaries to consider and report upon the best method of revising such of the Secretariat and other Establishments connected with the Government of India as might be found capable of reduction, in consequence of diminution of work caused by the recent measures for increasing the financial and administrative powers and responsibilities of the several Local Governments. The Committee submitted a report on some of the subjects which have come under its consideration; and one of these subjects was the amalgamation of the Home with that of the Revenue, Agriculture and Commerce Department. From the appended extract from that report it will be seen that the Committee unanimously recommend that the Secretariat work of the three Civil Administrative Departments, namely, Financial, Revenue, Agriculture and Commerce, and Home, be redistributed between two amalgamated Departments.

3. The urgent need which now exists for economy in all branches of the Administration, and the duty which lies upon us of setting an example to the Local Governments from which sacrifices are required, have lent weight to the recommendation made by the Committee of Secretaries. And we have, after full consideration of this proposal, and for the reasons fully set forth in the enclosed copy of our Resolution of the 14th June, sanctioned the arrangement suggested by the Committee. We shall be careful that the amalgamation of Departments does not cause any slackness in our endeavours to promote the growth of the land and forest revenue; the better and economical management of the public forests; the improvement of agriculture; the better conduct of coolie emigration; the supervision of the salt, customs and statistical departments; and the other highly important matters which have for some years past been dealt with in the Revenue, Agriculture and Commerce Secretariat. We confidently hope that under the new arrangements there will be no loss of efficiency in the administration of any of these branches of the public service. The work hitherto conducted in the three Administrative Departments of the Government of India named in the next foregoing paragraph will now, with the exception of Marine affairs, be redistributed between two Secretariats, to be called—

"The Department of Finance and Commerce."

"The Home, Revenue and Agricultural Department."

The subjects which will, henceforth, come under the cognisance of these two Departments will be as follows:—

FINANCE AND COMMERCE.

1. The public Accounts, including Estimates, Banks, Money Orders, and Alienations of Revenue.
2. The Public Expenditure.
3. The Public Ways and Means, including Loans to and from the Public Treasury.
4. The Management of the Public Funds.
5. The Mints.

6. The Paper Currency.
7. Leave, Pay, Allowances, Pensions and Gratuities of Public Officers.
8. Assessed Taxes.
9. Excise.
10. Opium.
11. Salt.
12. Customs.
13. Stamps.
14. Post Office.
15. Statistics.
16. Commerce and Trade.
17. Merchant Shipping.
18. Stores from Europe.

HOME, REVENUE AND AGRICULTURAL.

1. Law and Justice.
2. Jails and the Penal Settlements in the Andaman and Nicobar Islands.
3. Escheats; the Administration of Estates of Intestates.
4. Police.
5. Education.
6. Industry, Science and Art.
7. Sanitation.
8. The (Civil) Medical Service.
9. The Ecclesiastical Service.
10. Civil Service Questions.
11. Registration of Assurances.
12. Patents.
13. The Working of the Vagrancy Act.
14. The Working of the Arms Act.
15. Copyright.
16. Census.
17. Meteorology.
18. Gazetteers.
19. Weights and Measures.
20. Land-Revenue and Settlements.
21. Takavi.
22. Surveys :
 - I.—Great Trigonometrical.
 - II.—Topographical.
 - III.—Revenue.
 - IV.—Archæological.
 - V.—Geological.
23. Minerals.
24. Municipalities and Local Funds.
25. Emigration.
26. Agriculture and Horticulture.
27. Fibres and Silk.
28. Cattle-breeding and Cattle Disease.
29. Fisheries.
30. Forests.

All questions connected with Ports and Port-dues, Lighting
ces, Marine Surveys, and Langers to Navigation, will be transacted in the
ne Branch of the Military Department.

4. The immediate saving effected by these arrangements will be—

	Rs.
Salary of a Secretary to Government	42,000
Salary of a Registrar	8,400
	<hr/>
	50,400 per annum.

A further saving will, eventually, be made in the strength and cost of the Establishment of Clerks and of the Printing Establishment pertaining to the branches of business transferred to the Department of Home, Revenue and Agriculture and to the Military Department. It is hoped that such saving will amount to about Rs. 40,000, inclusive of contingencies and tour allowances.

5. We have sanctioned for Mr. A. O. Hume, C.B., whose appointment as Secretary to the Government of India is abolished, a personal allowance of Rs. 666, in addition to the salary (Rs. 3,500) of his new office as Member of the Board of Revenue, North-Western Provinces. We have done this in order that he may not lose by the abolition of an office which he has now, with certain intervals of other duty, filled for eight years. So long as Mr. Hume draws the personal allowance, our Secretary in the Home, Revenue and Agricultural Department will receive the salary of Rs. 3,500, as sanctioned in the Duke of Argyll's despatch for the junior of the two Secretaries attached to the Home and Revenue Departments.

6. We trust that the proceedings now reported will meet with Your Lordship's approval.

From Her Majesty's Secretary of State for India, to His Excellency the Right Honourable the Governor General of India in Council, No. 46 (Revenue), dated India Office, London, 6th November 1879.

PARA. 1. I have received Your Excellency's letter, in the Public Department, No. 52 of the 28th July last, transmitting papers relative to the distribution of the work hitherto performed by the Department of Revenue, Agriculture, and Commerce, between the Financial and Home Departments, and reporting the alterations made in consequence in the administrative arrangements of your Government.

2. The Department of Revenue, Agriculture, and Commerce has, since its establishment in 1871, been the means, under the able management of Mr. A. O. Hume, of introducing several important fiscal and administrative reforms, the results of which cannot fail to have a lasting effect, and I cannot but regret that it should have become necessary to deprive it of its separate and distinctive character.

3. The financial reasons stated in para. 3 of Your Excellency's letter are, however, so strong as to induce me to accede to the modification of arrangements which, when originally made by the Government of Lord Mayo, were cordially approved by my predecessor, the Duke of Argyll, as likely to effect a very important and advantageous administrative change.

4. I must observe that it is the work of the Home Office, rather than that of the Department of Revenue, Agriculture, and Commerce, that has been materially reduced by the system of decentralization, and I am, therefore, glad to notice that the growth of the revenue, the promotion of agricultural improvements, the development of the material resources of the country—objects of permanent importance, the need for which, you justly observe, is greater than ever—will not be allowed by you to suffer from a change by which the Department, whose special duty it hitherto has been to promote these objects, will be merged in other Offices.

5. With the watchful care which Your Excellency's Government will give to the subject, I trust that your confident hope will be justified that the redistribution of business you have now effected will cause no loss of efficiency in any branch of the public service.

GOVERNMENT OF INDIA.
HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF
CALCUTTA DURING THE MONTH OF OCTOBER 1879.

No. 1.—As to age and sex.

	DEMERARA.			TOTAL.		(GRAND TOTAL.	REMARKS.
	M.	F.	T.	M.	F.		
Under 2 years	3	6	9	3	6	9	
From 2 to 10 years	13	15	28	13	15	28	
" 10 to 20 "	72	38	110	72	38	110	
" 20 to 30 "	261	56	317	261	56	317	
" 30 to 40 "	9	1	10	9	1	10	
" 40 to 50 " . . . . .	...	...	...	...	...	...
Above 50 " . . . . .	...	...	...	...	...	...
GRAND TOTAL	358	116	474	358	116	474	

No. 2.—As to places whence emigrants came to Calcutta for embarkation.

Orissa	4	...	4	4	...	4	
Western Bengal	6	5	11	6	5	11	
Central ditto	10	...	10	10	...	10	
Eastern ditto	1	...	1	1	...	1	
Behar	34	4	38	34	4	38	
N. W. Provinces	233	67	300	233	67	300	
Oudh	41	28	69	41	28	69	
Central India	24	12	36	24	12	36	
Punjab	2	...	2	2	...	2	
Nepal . . . . .	...	...	...	...	...	...
Mixed, Madras and Bombay, &c.	3	...	3	3	...	3	
GRAND TOTAL	358	116	474	358	116	474	

No. 3.—As to caste and religion.

Brahmins, high caste	63	15	78	63	15	78	
Hindus { Agriculturists	89	16	105	89	16	105	
{ Artizans	20	7	27	20	7	27	
{ Low castes	123	48	171	123	48	171	
Mussulmans	61	30	91	61	30	91	
Christians	2	...	2	2	...	2	
GRAND TOTAL	358	116	474	358	116	474	

MEMO.	M.	F.	TOTAL.
1. Hindus	295	86	381
2. Mussulmans	61	30	91
3. Christians	2	...	2
TOTAL	358	116	474

C. BERNARD,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS
FOR THE WEEK ENDING THE 30th DECEMBER 1879.

GENERAL REMARKS.—Rain has fallen and done much good in parts of Madras, over the whole of the Punjab, and in parts of the North-West, Oudh, and Rajputana. Elsewhere rain is wanted for the spring crops, which, however, promise well. The winter harvest has been good everywhere. Prices have fallen. The public health continues to improve.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary (Dec. 27th)	...	<i>Ragi</i> 26-19; harvest of early dry crops; sowing of second crop paddy, standing crops in good condition.
Kurnool (" ")	...	<i>Ragi</i> 19-29; paddy being harvested, outturn half to full; blight in two taluks; pasture and water abundant.
Ganjam (" ")	...	<i>Ragi</i> 29-71.
Kistna (" ")	...	<i>Ragi</i> 27-77; dry crops being harvested, outturn half to three-fourths, 25 inches water over anicut.
Chingleput (" ")	1-57 (average of 8 stations).	<i>Ragi</i> 22-99; sowing in two taluks; standing crops somewhat injured by insects in parts of four taluks, elsewhere doing well; harvest in parts, outturn half to three-fourths; pasture abundant.
Coimbatore (" ")	32 (average of 3 stations).	<i>Ragi</i> 25-59; dry crops withering in parts of nine taluks; wet crops in fair condition; harvest of paddy, <i>cholam</i> , <i>ragi</i> and <i>cumboo</i> , outturn paddy three-eighths to full, others one-eighth to half.
Tanjore (" ")	5-95 (average of 12 stations).	<i>Ragi</i> 26-0; crops doing well; harvest of paddy, outturn half to full
Madura (" ")	14 (average of 2 stations).	<i>Ragi</i> 24-73.
Malabar (" ")	...	<i>Ragi</i> 21-68; harvest commenced in three taluks.
Travancore (" ")	...	State of food market unchanged.
		<i>General Remarks.</i> —General prospects generally good, but want of rain much felt in west part of South Arcot and in Trichinopoly
Bombay— (Dec. 31st)		
Kurrachee ...	...	River at Kotri on 27th, 2 feet 1 inch against 4 feet 7 inches on same date last year; <i>rabi</i> crops coming on fairly; locusts about Sujawal, Shahbandar and Kohistan, damage in first; fever and cattle disease prevalent.
Hyderabad ...	...	Sky clear; weather seasonable; small-pox in Naushahro taluka; camels dying in taluka Moro; locusts about still.
Ahmedabad ...	...	<i>Rabi</i> sowing completed; fever gradually decreasing.
Baroda ...	...	All crops good; sugar-pressing in progress; health improving.
Surat ...	...	Standing crops healthy; fever in three talukas.
Nasik ...	...	Ague in four talukas; cattle disease in two talukas; measles in one; <i>rabi</i> crops fair.
Colaba (Bombay) ...	...	Average abnormal temperature 3 degrees cool; dryness of air normal; wind normal.
Poona (Dec. 28th) ...	...	Cholera in city; 53 cases, 35 deaths, since 25th.
Ahmednagar ...	...	Crops in inferior soil withering; injury by rats in Kopergaon.
Sholapore ...	...	Cold has injured crops in places; prices slightly lower.
Dharwar ...	...	Late crops promising; exotic cotton blighted in three talukas.
Kanara ...	...	Harvest completed above ghat; cattle disease and fever continue.
Rajkot ...	...	Weather cold; <i>rabi</i> promising; health good.
		<i>General Remarks.</i> —Weather fine; crops generally promising; public health improving, but cholera in Poona.
Bengal—		
Chittagong ...	Nil	Weather seasonable; harvesting of <i>amun</i> nearly completed; cold-weather crops being sown; cholera still prevails in cyclone tract.
Dacca ...	Nil	Prospects of crops satisfactory; public health good.
24-Pergunnahs (Alipore) ...	Nil	Prospects of <i>amun</i> and winter crops fair; yield expected to be satisfactory; <i>amun</i> harvesting continues; major portion reaped and harvested; health generally good; a few cases of cholera reported from Busseerhat.
Moorsshedabad ...	Nil	<i>Haimanti</i> paddy being harvested; <i>rabi</i> crops doing well; epidemic fever still prevalent in thana Burwa; cases also reported from other thanas; cholera appeared in Berhampore town.
Rajshallye ...	Nil	Weather cool and clear; heavy dew at night; winter rice still being cut; outturn generally very good where crop not damaged by floods; spring crops have come up well and thriving; public health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—contd.		
Burdwan ...	<i>Nil</i>	All <i>rabi</i> crops doing well, but some rain would improve them; health good.
Rungpore ...	Few drops of rain on 28th and 29th.	Weather cool; crops continue good; fever abating.
Bhágálpur ...	<i>Nil</i>	Weather cold; prospects of <i>rabi</i> crops and general health good.
Purneah ...	<i>Nil</i>	<i>Aghani</i> harvested with a good yield; <i>rabi</i> promises well; public health good.
Patna ...	<i>Nil</i>	Rain wanted for <i>rabi</i> .
Durbhanga ...	<i>Nil</i>	Weather cloudy; <i>aghani</i> harvest nearly finished; <i>rabi</i> continues well, but will soon be better for rain; prices stationary; public health good.
Hazáribágh ...	<i>Nil</i>	Weather seasonable; crops doing well, though a shower of rain would be much beneficial to them; general health good.
Cuttack ...	<i>Nil</i>	Winter crops progressing well; rice being harvested; small-pox very prevalent.
		<i>General Remarks.</i> — <i>Amun</i> harvest nearly completed; outturn generally good, except in inundated places in Central Bengal and in parts of Burdwan Division; <i>rabi</i> crops promising, but rain would now be beneficial in some places; fever, cholera and small-pox still reported from some districts, otherwise public health satisfactory.
N.-W. Provinces and Oudh—		
Benares (Dec. 30th) ...	...	Prospects good; weather cloudy during latter part of week; a fall of rain would be advantageous to the <i>rabi</i> ; health good.
Allahabad (" ") ...	<i>Nil</i>	Sky clear, clouds gathered heavily yesterday, but dispersed without a shower; irrigation of <i>rabi</i> in progress; sickness disappearing; wheat 13½, coarse <i>chanwal</i> 19½, unhusked <i>dhan</i> 37½ seers.
Gorakhpur (" 30th) ...	·3	Weather now clear; fever greatly decreased.
Jhánsi (" 31st ) ...	...	<i>Rabi</i> prospects good; prices stationary.
Agra (" 30th) ...	·2 (average)	<i>Rabi</i> progressing well; sickness disappearing; weather seasonable.
Bareilly (" 31st) ...	Slight rain on 28th.	Weather clear and cold.
Meerut (" ") ...	1·0	Prospects are good.
Kumaun (" 30th) ...	Heavy rain.	Snow on 27th and 28th; prospects good.
Lucknow (" 31st) ...	Slight shower on 27th.	Weather seasonable; prospects good.
Partabgarh (" 29th ) ...	...	Prospects good; irrigation of <i>rabi</i> crops is in full progress; sky cloudy.
Sitapur (" 31st) ...	·2	Prospects good.
Fyzabad (" ") ...	<i>Nil</i>	Prospects of crops are good.
		<i>General Remarks.</i> —Rain wanted in places; prospects generally good.
Punjab—(Dec. 30th)		
Delhi ...	1·3	Prices stationary.
Hissar ...	2·0	Present prospects very good.
Umballa ...	·7	Agricultural prospects good.
Jullundur ...	·8	Agricultural prospects promising; prices steady; health good.
Lahore ...	·4	Public health and agricultural prospects good.
Ferozepore ...	·6	Prices steady; prospects good.
Siálkot ...	·6	<i>Rabi</i> prospects good.
Ráwalpindi ...	1·0	Agricultural prospects good.
Pesháwar ...	·5	Crops reported to be still suffering from frost.
Mooltan ...	A drizzling rain.	Prospects good; prices have fallen slightly.
Dera Ismail Khan ...	·4	Prospects fair; health good.
		<i>General Remarks.</i> —The rainfall which has been general has come in good time; agricultural prospects are now very good.
Central Provinces—		
Nágpur (Dec. 31st) ...	...	Clear and cold; <i>jowar</i> cutting; threshing continues; prospects of <i>rabi</i> good.
Jubbulpore ...	...	Clear and cold; prospects good; few cases of small-pox; prices stationary.
Saugor ...	...	<i>Kharif</i> crops being gathered; <i>rabi</i> prospects good; no epidemic; prices stationary.
Seoni ...	...	Clear and cold; <i>rabi</i> prospects continue good.
Hoshangabad ...	...	No report received.
Raipur (Dec. 27th) ...	...	Clear and cool; <i>kharif</i> harvest continues; prospects of <i>rabi</i> favourable; cattle disease in Simga and Dhamtari tahsils.
Sambalpur ...	...	No report received.
		<i>General Remarks.</i> —Clear and cold; <i>kharif</i> harvest well forward; prospects of <i>rabi</i> continue good; prices stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—		
(Dec. 31st)		
Akyab	·01	Total rainfall 227·22; public health good; reaping steadily progressing.
Rangoon	<i>Nil</i>	Total rainfall 113·69; no deaths from cholera or small-pox reported in Rangoon town; slight fever and small-pox continue in parts of district; very slight cattle disease; reaping of crops going on.
Bassein	<i>Nil</i>	Total rainfall 98·49; public health good; crops nearly reaped.
Prome	Slight rain.	Total rainfall 44·83; public health good; reaping nearly over.
Amherst (Moulmein) ...	<i>Nil</i>	Total rainfall 171·25; public health good; half the crops reaped threshing commenced.
Toungoo	<i>Nil</i>	Total rainfall 76·42; public health and agricultural prospects good.
		<i>General Remarks.</i> —General health good; some fever and small-pox slight cattle disease; weather cloudy, close and unhealthy; reaping well advanced.
Assam—(Dec. 31st)		
Gauhati	·75	Weather unsettled and variable; mornings raw and foggy; reaping and gathering of <i>sali</i> crops almost finished; prospects of other crops tolerably favourable.
Sylhet	<i>Nil</i>	Weather seasonable; reaping over; outturn about ten annas (average).
Cachar	<i>Nil</i>	Weather seasonable; prospects and outturn of rice crops very good common rice 13½ seers a rupee; public health good.
Dibrugarh... ..	<i>Nil</i>	<i>Sali dhan</i> almost all harvested; outturn of <i>moong kalai</i> fair; district healthy.
Berar & Hyderabad—		
(Dec. 31st)		
Amrāoti ... ..	...	<i>Rabi</i> promising; cotton below average.
Akola ... ..	...	<i>Jowari</i> damaged by excessive cold.
Hyderabad... ..	<i>Nil</i>	Weather clearer and considerably warmer; agricultural prospects somewhat unfavourable owing to blight.
Mysore and Coorg—		
(Dec. 31st)		
Bangalore	} <i>Nil</i>	Standing crops in fair condition; prospects favourable; health good; prices fluctuating; harvest in Coorg was abundant.
Mysore		
Mercara		
Central India States—		
(Dec. 31st)		
Indore ... ..	...	No change since last report.
Morar (Gwalior) ... ..	...	Weather seasonable.
Sutna ... ..	...	Prospects good; <i>jowar</i> 26 seers.
Rutlam ... ..	...	Health and agricultural prospects good.
Neemuch	<i>Nil</i>	
Agar ... ..	...	Health good; prospects favourable.
Mānpur ... ..	...	<i>Rabi</i> crops good.
Rajputana—		
Serohi (Dec. 28th) ...	·15	Wells full; tanks drying; malarious fever still prevalent; crops doing well; cloudy and warm.
Marwar (" 27th) ...	·06	Wells full; a month's water in tanks; health good; crops excellent; cloudy, and cold intense.
Harowtee	·10 in Deoli	Health and prospects good.
Jhallawar (Dec. 29th) ...	...	Warmer and cloudy; health and prospects good.
Ajmere (" 31st) ...	·51	Weather cold; prospects excellent.
Bhurtpore ... ..	...	Prospects encouraging; weather seasonable; fever abating.
Ulwur (Dec. 30th) ...	·48	

C. BERNARD,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS UNDER THE PROVISIONS OF
THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Wednesday, the 24th December, 1879.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, G.M.S.I.,
presiding.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.
His Excellency the Commander-in-Chief, G.C.B., G.C.S.I., C.I.E.
The Hon'ble Sir A. J. Arbuthnot, K.C.S.I., C.I.E.
Colonel the Hon'ble Sir Andrew Clarke, R.E., K.C.M.G., C.B., C.I.E.
The Hon'ble Sir John Strachey, G.C.S.I., C.I.E.
General the Hon'ble Sir E. B. Johnson, R.A., K.C.B., C.I.E.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I.
The Hon'ble Sayyad Ahmad Khán Báhádur, C.S.I.
The Hon'ble T. C. Hope, C.S.I.
The Hon'ble B. W. Colvin.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble G. H. M. Batten.
The Hon'ble C. Grant.
The Hon'ble E. C. Morgan.
The Hon'ble J. Pitt-Kennedy.
The Hon'ble G. C. Paul.

RELIGIOUS CONGREGATIONS BILL.

The Hon'ble MR. STOKES presented the further Report of the Select Committee on the Bill to provide for the holding of property by certain Religious congregations.

MILITARY CANTONMENTS ACT AMENDMENT BILL.

The Hon'ble MR. STOKES also presented the further Report of the Select Committee on the Bill to provide for the revision of proceedings in trials held under the Military Cantonments Act, 1864, section 20.

TRADES AND PROFESSIONS TAX BILL.

The Hon'ble SIR JOHN STRACHEY moved that the Bill to impose a tax on Trades and Professions be referred to a Select Committee consisting of the Hon'ble Messrs. Stokes, Thompson, Hope and Colvin, the Hon'ble Mahárájá Jotíndra Mohan Tagore, and the Hon'ble Messrs. Batten, Morgan and Paul and the Mover. He said:—"MY LORD, When this Bill was introduced into the Council, some six weeks ago, I explained the reasons which rendered it desirable that the measure should be passed into law before the end of the year. The most important of these reasons was this, that all the existing License Tax Acts, excepting that in force in Lower Bengal, require the assessments and collections to be made for the calendar year; the demand of the Collector has to be published in the beginning of January, and the tax has to be paid in February. It was, however, found quite impracticable to proceed with the Bill as soon as we had originally hoped to do. We are now holding our first meeting of the Legislative Council in Calcutta on the 24th December; the Bill has not yet been referred to a

Select Committee, nor are all the papers connected with it, and all the opinions which have been received regarding it, in the hands of the Members of the Council. Under these circumstances it was clear that the idea of passing the Bill before the end of the year must be abandoned, and the Government had to consider what course should be adopted. The legal difficulties which seemed to render legislation in December necessary have however been got over, for the Government has been advised that it is in its power to give executive orders to the Local Governments, which will have the effect of preventing any fresh assessments or collections being made pending the passing of a new Act. Instructions have been issued accordingly, and no embarrassment will be caused by the delay in legislating. This delay will in other ways be advantageous. There will be more time for the careful consideration of the Bill, and there is another important advantage which we shall gain. It was not altogether satisfactory that a measure of this kind should be enacted at a time when it is not possible to lay before the Council and the public a complete explanation of the financial position, and we shall now postpone, until after the publication of the Budget, the proposal to pass the Bill into law. It must at the same time be remarked, as I have more than once had occasion to say, that all the local authorities lay great stress on the importance of not leaving the work of assessing taxes of this kind until the weather has become so hot that the Collectors and European officers cannot easily visit the places where the assessments are made, and give to the matter their full personal attention. We shall therefore endeavour to bring out the Financial Statement at a somewhat earlier date than usual, and if meanwhile the Select Committee will consider all the details of the Bill, so that they may be able to report upon it as soon as possible after the Statement is made, we may hope that from an administrative point of view the delay in proceeding with the Bill will not be injurious.

"I must now, my Lord, explain to the Council the course which the Government proposes to take.

"We have received a great number of opinions and criticisms, many of them very valuable, from the Local Governments and their officers, from various public bodies, and from other quarters, and the fresh light thus thrown upon the question will, I hope, enable us to make great improvements in the measure as it was originally introduced. I will state to the Council the principal changes which the Government now proposes in the Bill.

"In the first place it has become apparent that the wisdom of repealing all the Local Acts and substituting for them one Imperial enactment is very questionable. Circumstances vary so much in the different provinces of India, and the machinery by which measures of this kind have to be carried out differs so greatly, that there are plainly many advantages in leaving all details to be settled by the local Legislatures and local Authorities, and in contenting ourselves with prescribing those general principles only which we desire should be everywhere carried out. This is, in the present case, the more true, because, as I shall presently explain, the changes which the Government has proposed to make in the local License Acts are really, with one exception, not great, and if the modifications in the Bill which I am about to describe to the Council be adopted, those changes will become still smaller. We now propose to leave all the local Acts in force; certain amendments in the schedules which prescribe the fees to be levied on the various classes and a provision extending the tax to professional men will be required; but this can be done by a very few sections in our Bill, which, so far as it affects the trading and professional classes, will then become a very small measure. A great part of the Bill will disappear altogether, and the provisions of general application to all India will be almost confined to those which extend taxation to the official and salaried classes.

"I will now, my Lord, endeavour to state the principal points on which further explanations are necessary, and it will be convenient that I should first refer to some of the more important objections which have been made to the Bill.

"There has been a very common feeling that the Bill, in the shape in which it was introduced, was hardly to be distinguished from an income-tax on the

classes affected by it. The measure has been attacked as an unnecessary and unjustifiable attempt to re-impose, under another name, a hateful impost which was deliberately abandoned by the Government only six years ago. I fear that upon those who do not scruple to attribute to the Government of India deliberate and habitual dishonesty in all its dealings, words would be wasted in the attempt to prove that we have not been dishonest in this or any other particular instance. But, for the information of more charitable opponents, I am glad to take this opportunity of stating the facts.

"The conclusion having been arrived at that it was proper to extend to the official classes taxation somewhat similar to that which had been imposed under the License Tax Acts on traders, it was clear that there was only one reasonable way in which the decision could be carried out. This was to levy the tax by a percentage on actual salaries. It would have been impossible to have adopted any other plan. It is clear that the only reason for applying to the taxation of traders the system of classification adopted in the License Acts is, that there are no means of ascertaining the exact amount of their incomes, and it is highly desirable to avoid any minute inquisition. If it were possible to find out, by some perfectly unobjectionable means, their real income, everybody would agree that the plan of charging a percentage on that income would be the proper one to adopt. The rough process of assessment by classes necessarily leads to the injustice of taxing persons who have smaller means at the same amount as those who have larger, but this injustice was accepted as the lesser of two evils. In the case of the official classes we know every man's actual salary, and the salaries of the servants of Companies and private persons can easily be ascertained. To tax them in classes, like the traders, and not by a percentage on their salaries, would really be inequitable and indefensible. No one can believe that it would be accepted as reasonable that an officer receiving Rs. 5,000 a year should pay the same tax on his salary as one receiving Rs. 10,000; and no one would accept as a valid reason for such a conclusion the fact that this was the way in which taxation was imposed on persons deriving their incomes from trade.

"When, however, it was determined to tax the officials by a percentage on their salaries, it was naturally felt desirable to make the incidence of the tax on them and on the other classes as equal as was practicable. It was, as the Honourable Mr. Batten pointed out at the last meeting of this Council, an inevitable and logical consequence of this extension of taxation to the officials that the maximum taxes paid by the commercial classes should be raised. It was felt, as he said, that it was not right to tax a high official more heavily than an equally rich man who derived his income from commerce. 'The maximum tax on traders is now' (as Mr. Batten said) 'in Madras Rs. 800; in Bengal Rs. 500; and in Bombay only Rs. 200. Directly it is determined that officials shall be taxed by a percentage on their salaries, and any other mode of directly taxing them would, I submit, be almost absurd, it becomes impossible to maintain the maximum taxes at the sums which I have mentioned.'

"It was in consequence of all this that the schedule of the present Bill took its present form. The number of classes was increased and the differences between the various classes were diminished. The result was a schedule according to which the taxation on the trading and professional classes would undoubtedly have been assessed under a system nearly approaching the assessment of a percentage on the estimated annual amount of their earnings. In other words, the assessment would have been very like that of an income-tax; and I quite admit that this was hardly consistent with some of my own remarks, or with the Statement of Objects and Reasons, which said that 'the system of classification now in force is generally retained.' In the existing Acts, the system followed was to have a small number of classes. It was always admitted that under such a system there must be a good deal of inequality, and that the burden must fall more heavily on the poorer than on the richer persons included in a class. But this inequality was accepted as a smaller evil than that involved in making an inquisition into individual

incomes. I do not, therefore, deny that the schedule to the present Bill, although theoretically much fairer and more logical than the schedules of the existing Acts, is open to the objections to which I have alluded.

"The announcement which I have made that the Government proposes to maintain, with very little alteration, the existing License Tax Acts will, I hope, go far to remove these objections, for I do not see how it can still be said that this is an income-tax in disguise. If the present proposals be adopted, the obnoxious schedule will disappear, and the existing system will remain in force in all its main features.

"There were, my Lord, only two things which the Government in introducing this measure looked upon as essential. It desired in the first place to exempt from taxation a great multitude of people with small incomes. Experience had shown that we were taxing more than a million persons,—I now believe the number to be at least a million and a quarter—for the sake of £240,000 a year. This was clearly neither politically nor financially wise.

"The second object which the Government had was to extend taxation to the official and professional classes. There had been a very general feeling, the justice of which we could not deny, that they ought not to remain untouched when direct taxation was being levied on the traders and landholders. This feeling found expression in public meetings, and in memorials of the Chambers of Commerce of all three Presidencies.

"The Government desires that these two objects shall be carried out in the most equitable way possible, and provided that they are gained, it looks upon everything else as matter of detail. It cannot give up these taxes, because it considers it essential to maintain them; but it is most anxious to do everything in its power to reduce their defects to a minimum, and to remove, so far as practicable, every cause of difficulty which it is possible to foresee.

"I will now state as clearly as I can the course which the Government proposes to adopt.

"We desire to make no changes in the existing Acts which are not, in view of the determination to extend taxation to the professional and official classes, unavoidable.

"In regard to the professional classes, it will, I believe, be sufficient to insert in the existing Acts a single section, to the effect that the words 'trade' and 'calling,' wherever they occur, shall be deemed to include a profession.

"In regard to the official and salaried classes, no change of any importance is contemplated by the Government in the Bill as it now stands, but there are some details in regard to which alterations may be found proper. A good deal of complaint has been made regarding the sections which oblige private employers to levy the tax from persons in their employment, and which impose certain liabilities on both parties. These and many other questions will doubtless be considered by the Select Committee, and the Government will accept whatever view appears to the Committee and to the Council to be just.

"In regard to the trading classes, before coming to other matters, there is one announcement of importance which I have to make on behalf of the Government.

"When this Bill was introduced, I stated that the Government proposed that Rs. 250 should be the minimum income liable to this form of taxation, and I said that in fixing this amount we were giving greater relief to the poorer classes of traders than most of the Local Governments think necessary. It is now estimated that by this change we shall exempt not less than $1\frac{1}{2}$ million persons from taxation, and shall give up revenue to the amount of about £240,000. The Government now proposes to extend this relief still further. We find that by sacrificing an additional sum of about £100,000, we shall be able to fix the lower limit of liability to the tax at an annual income of Rs. 500, and exempt from taxation at least 250,000 more people. This the Government now proposes to do. There will remain in all India certainly not more than 250,000 traders liable to the tax. The financial result of all the changes thus proposed will be as follows. We now obtain from the license-tax £870,000 a year. We propose to give up a sum of £340,000. We expect

on the other hand to obtain £240,000 from the extension of taxation to the professional, official, and salaried classes, and from raising the maximum tax on the commercial classes to the Madras limit, as I shall presently explain. Thus we expect to get altogether from these taxes £770,000, or £100,000 less than the amount which we now receive.

"The effect of these measures will be to remove from the schedules of the existing License Acts (which vary somewhat in their details in different provinces and of which it is not now necessary to speak in detail) those classes and grades including traders whose annual earnings are less than Rs. 500. Since, as I have already explained, we do not propose to repeal the existing Acts, the present classification will otherwise remain unaltered with the following exceptions. In Bombay the maximum fee now payable is Rs. 200; in Bengal, the North-Western Provinces, Oudh, the Punjab, and wherever the Northern India License Act is in force, the maximum fee is Rs. 500; and in Madras it is Rs. 800. We propose to leave the Madras Schedule unaltered; to add in the Bengal and Northern India Schedules one class with a fee of Rs. 800; and to add in Bombay two classes, one paying Rs. 500 and the other paying Rs. 800. Thus the maximum tax at present leviable in Madras will be applied throughout India.

"As, with these exceptions, no change is proposed in the present law so far as it affects the richer classes of traders, the tax will be levied exactly as it is now. Whatever objections there may have been to this form of taxation will no doubt remain, so far as the persons are concerned who are liable to it; but at any rate there will be no ground for the charge that we are completely changing the character of the existing Acts and virtually introducing an income-tax. For in this respect there will be absolutely no alteration in the present system.

"In thus avoiding anything like an income-tax, and as one of the consequences of fixing a maximum fee of Rs. 800 as the highest amount which can be demanded from any trader or professional man however rich, we find ourselves landed in a difficulty.

"The sum of Rs. 800 is much less than that which will be paid by some of the highest officers of Government at the rate of $1\frac{1}{2}$ per cent. on their salaries. The number of officers in this position will, however, be very small. There will be the Viceroy, the Governors of Madras and Bombay, the Lieutenant-Governors, the Commander-in-Chief, the Members of Council, the Chief Justice, and possibly a few others. Excepting these officers, the highest salary paid to any Government officer in India is Rs. 50,000 per annum. One and a half per cent. on this sum would be Rs. 750. Thus, the maximum tax ordinarily paid by the officials, professional men, and traders, will be approximately the same; but there will be this exception, that the few high officers already mentioned will have to pay more, and some of them a great deal more, than Rs. 800 per annum. Your Excellency, for instance, will have the pleasure of paying an annual tax of Rs. 3,600.

"It is, of course, impossible to maintain that this is just, but it is an illustration of the numerous anomalies which must arise under any system of direct taxation short of a general income-tax. It is not so serious an anomaly as others which I could mention; as for instance, that presented by the fact that there are in this Province of Bengal landed proprietors receiving incomes measured in hundreds of thousands of pounds, which are now almost untouched by taxation. The only way in which we could make the richest class of traders and professional men pay as much as the high officers that I have mentioned would be by applying to them a system of assessment virtually the same as that of an income-tax. As we desire to avoid this, we must be content to let these officers pay more than their equally rich neighbours. It would no doubt be possible to fix a maximum of Rs. 800 for the official classes also, but it seems to the Government that this would lead to still worse evils. We could not with propriety, or indeed with decency, say that all Government servants with salaries between Rs. 1,200 and Rs. 50,000 a year shall pay at the rate of $1\frac{1}{2}$ per cent. on their salaries, but that those officers who get more than Rs. 50,000 shall be exempted from paying

in proportion. The fact is that the system under which the trading classes are taxed being essentially different from that which is applicable to the officials, it is impossible that the burden should fall with complete equality on both classes alike. I may add that financially this part of the question has little importance. The number of traders and professional men with incomes exceeding Rs. 50,000 a year is very small, and the additional revenue obtained by making them pay more than the maximum license-fee of Rs. 800 would not be great. Taking everything into consideration, it is not worth while to add more classes to the License Acts, merely for the purpose of rendering the law more symmetrical, and theoretically more equal, and making a few rich traders and professional men pay as much as the highest officials.

"I have now, my Lord, explained all the principal changes which the Government thinks it desirable to make in the Bill now before the Council. If the motion which I am about to make be agreed to, and the Bill be referred to a Select Committee, we shall propose to the Committee to adopt these modifications in the Bill. I have no doubt that the Committee will be able to suggest other improvements.

"It will be observed from all I have said today, that, although the Government is quite ready to make many important changes in this Bill, it adheres to the opinion that the taxation of the richer members of the trading, professional, and official classes is essential. They have been contributing little or nothing towards the expenses of the State. Justice and financial considerations alike require that they should so contribute, and it is only by direct taxation that this object can be gained. My Lord, I often read in the newspapers that one of Sir John Strachey's most mischievous delusions is his persistent preference of direct to indirect taxation in India, and that his constant desire is to substitute the former for the latter. My Lord, every man's motives are best known to himself; but, if language be any indication of motive, I may ask my critics to point out any single occasion on which I have said anything of the kind. I affirm, not only that I have never, either in public or in private, maintained any such doctrine, but that no such idea has ever entered into my head. If in formerly approving the imposition of the income-tax and other forms of direct taxation, and in regretting their loss, I have erred, I have erred in company with many of the wisest and most experienced of Indian statesmen, among whom I will now name one only, Lord Lawrence, my honoured and lamented master. No man knew India better than he, and never was there a man who would have more strongly and indignantly refused his consent to measures which he thought must entail injustice and oppression on the people. He believed—and I believe—that there are some classes of the community which have borne no proper part of the public burdens, although no classes are better able than they to bear their share; that it is by direct taxation alone that they can be reached; and that with reasonably good administration, which it is certainly within our power to secure, there is no necessity whatever for any gross abuses in the assessment and collection of taxes of this kind. If we could make these classes contribute in any other way to the necessities of the State, without adding to the burdens of others who already contribute in fair proportion to their means, we should be most glad to do so; but this is impossible. We impose direct taxation upon them, not because we prefer direct taxation to indirect, but because we must tax them directly or not at all.

"I have been now speaking as if the taxation now proposed ought to be permanently maintained, independently of the actual financial position in particular years, not necessarily with its present details, but at least substantially. Those who differ from this opinion will have ample opportunity of stating their views, since, as I have already said, it is not proposed to ask the Council to pass this measure, nor even to ask the Select Committee finally to report upon it, until the Financial Statement for next year is before the Council and the public. The view that taxation of this kind, although it may be tolerated for a time, in case of unavoidable necessity, ought to be given up whenever the condition of the finances makes it possible to dispense with it, has often been maintained. It has lately been expressed very clearly and temperately and well in the

memorial submitted by the Bengal Chamber of Commerce. The Chamber produces evidence, drawn from the accounts and statements published by the Government, to show that there has been a great improvement in our financial position; it says there is a widespread impression that the Government could now afford to dispense with the license-tax altogether, and that before any attempt is made to pass the measure before us into law, a full statement of the present and prospective position of the public finances should be made. I cannot now discuss that position, but the hope with which the memorial of the Chamber concludes has been met by the announcement which I have already made that the final consideration of this Bill will be postponed until after the publication of the Financial Statement. With regard to the general financial position, I can now only repeat what I said when the Bill was introduced, that there has happily been great improvement, that we trust the country has passed through its disastrous and long-continued period of scarcity and suffering, and that the condition and prospects of the finances are highly encouraging and satisfactory.

"I have only a few more words to add. It might be supposed from many of the criticisms which this measure has received, that the Government was proposing to impose fresh and heavy taxation on the country. Nothing could be further from the real intentions of the Government; and I trust the proposed modifications of the Bill will, when they are made in it, remove every disposition to such criticisms; for they will certainly remove every justification for them. The result will be that we shall exempt from taxation about a million and three-quarters of persons who, if not absolutely, are still relatively, poor, and we shall transfer, not the whole, but the greater part, of the burden hitherto borne by these classes to about 35,000 persons, the great majority of whom are more or less highly paid Government officials. We shall get altogether £100,000 less revenue than we get now. The measure is essentially one which has for its object the equitable readjustment of taxation. It will reduce, not increase, the burdens of the country."

The Hon'ble MR. PAUL said, as a member of this Council he should always be glad to support the necessary measures of the Government, and that he did not now desire to offer any opposition to the principle of this Bill. But he thought there were rules of practice which, under ordinary circumstances, must be observed. The present motion was to refer to a Select Committee a Bill which, as it was introduced, was the one which he held in his hand. That was the Bill which he had studied before coming to the Council meeting, and he now understood, from what the hon'ble the Financial Member had said, no doubt to MR. PAUL's great gratification, that the Bill would be shorn of many of what appeared to be its obnoxious provisions, which were in it as it was presented to the Council. The Government, as he understood the hon'ble Member, pledged itself to make alterations on the lines which had been marked out by the mover of the Bill and to lay them before the Select Committee. It then followed that it was not this Bill which was about to be referred to a Select Committee, but it was the Bill with a number of substantial amendments. That being so, he thought the proper practice was that this Bill should be withdrawn, and another Bill drawn in the manner proposed should then be introduced. If that was done, he should raise a substantial objection to such new Bill. Leave had been given to introduce this Bill, and consequently the Council were on this occasion unable to give their assent to the referring of another and an entirely different Bill. But if a fresh Bill should now be brought forward on the lines which had been indicated by Sir John Strachey, MR. PAUL would then have this objection to raise, that as it appeared on the surface of the plan that had been sketched out before the Council that the necessity for the proposed measure depended upon the publication of a Budget-statement the introduction of such fresh Bill must of necessity be postponed till after the publication of the Budget. He maintained that there was not a single member of the Council who would not be most anxious to support the Government in any necessary measures which the Government was bound to adopt; but, on the other hand, it was nothing but fair that this Council should have before it is called upon to legislate upon any measure,

the fullest information, in order that any action taken should appear to be supported by substantial reasons. Therefore he should suggest as an amendment, that this Bill be withdrawn, with liberty to the hon'ble Mover to bring in another Bill.

The Hon'ble MR. KENNEDY said he also, upon the same grounds, must oppose the motion of the Hon'ble the Financial Member as it had been brought forward. It seemed to him that they were not now called upon to refer the Bill which had been before the Council, but to refer another and a wholly different measure, with the principles or details of which, complicated as they were, he had not had an opportunity of becoming sufficiently acquainted to form any opinion whatever. Whether the Bill ought to go to a Select Committee or not, he was not in a position to form an opinion, one way or the other. The Council had before them a Bill which proposed the wise and proper course of consolidating into one Act, this part of the taxation of the country. He did not know whether he was right, but as far as he could understand the expressions used by the Financial Member, the new Bill was to be based on an entirely different principle, leaving outstanding three, or perhaps four, separate financial measures, which were to be how he knew not, in what particular form he knew not: what was to be their independent effect he knew not, but he understood they were to be in some way brought in and incorporated with this measure. That this difficulty of understanding the proposition should arise showed that the objection was not merely technical. It was an objection based on the rules which had been introduced into the Council in order to facilitate the consideration of important measures, and it was an objection which he thought to have considerable weight. When, after asking leave and explaining the grounds upon which the measure was based, the Hon'ble Member in charge asked to refer to a Select Committee a Bill which was not even based on the principles of the Bill which had been introduced, MR. KENNEDY was bound to say that he could not assent to the measure without at least knowing what the grounds of the new measure were.

The Council was told that this was not an income-tax, but though accustomed to deal with refined distinctions he was unable to see any difference between this measure and any other income-tax, save this. The great and broad general objection to an income-tax as it existed in England was, that transitory incomes, which were derived from the exertions and intellects of individuals subject to the vicissitudes of health and trade, were taxed at the same rate as incomes derived from realised property and the common sense of mankind was shocked at the injustice, though arguments were possible for the equal taxation of all incomes. That was not so here. The Financial Minister had taken good care that this precise objection should not apply, because here incomes derived from realised property were exempted, and the tax was imposed merely and exclusively on trades and professions—on the uncertain and fluctuating results of personal exertions. He could not assent to aiding the progress of a Bill which avoided the objection of equally taxing fluctuating income and realised property by carefully excluding from its operation every form of the latter.

The Hon'ble MR. MORGAN said that, when he came to the Council that day, he was unaware of the important changes which had just been proposed by Sir John Strachey. It was his intention to have opposed the Bill which was now before the Council, on grounds upon which, perhaps, it was not now necessary to enter, inasmuch as that Bill seemed to have lost its existence. But he could not avoid coming to the same conclusion as the Hon'ble Mr. Paul, that there was practically no measure before the Council, and there was no Bill to refer to a Select Committee. The Bill that was on the table proposed to repeal the existing License Tax Acts, but Sir John Strachey had stated that it was not the intention of the Government to repeal those laws, but to retain them, with very slight modifications as they at present stood. Therefore the Bill before the Council seemed to be without meaning: such clauses as applied to official salaries might stand, but otherwise it seemed to have no value; and therefore he was sorry to say he must oppose the motion.

The Hon'ble MR. BATTEN said that the Hon'ble Mr. Paul had, in the commencement of his remarks, suggested that, as the passing of this measure would depend on the condition of the finances, the further consideration of it should be postponed until after the financial statement had been made. Now he (MR. BATTEN) had not gathered from the speech of the Hon'ble Mover that the passing of the measure under discussion depended on the condition of the finances. In fact, it appeared that the financial result of the measure, if passed with the modifications suggested by the Hon'ble Sir John Strachey would be merely to remit taxation to the amount of £100,000, and that the view of the Government was that, whatever the financial position might be, taxation of the kind proposed by the Bill before the Council ought to form a part of the permanent sources of the revenue. MR. BATTEN was, therefore, unable to understand why the consideration of the measure should be postponed. It was proposed not to pass the Bill until after the financial statement was made, in order to give time for its consideration in Committee and to the opponents of this kind of taxation to give expression to their views on the general question.

Nor did MR. BATTEN follow the Hon'ble and learned Advocate General in his objection to the committal of the Bill in its present form in consequence of the modifications indicated by the Hon'ble Sir John Strachey. He did not know whether the Hon'ble Members who had just spoken had studied the provisions of the four Acts which it was proposed to amend. These Acts were passed in this Council, and in those of Bengal, Madras, and Bombay. It would be found that chapter II of the Bill now before the Council was little more than a re-enactment of the provisions of those four Acts which the Bill proposed to repeal. The modification indicated by the Hon'ble Sir John Strachey, as approved by the Government, would, instead of repealing and re-enacting the four Acts, leave them alone, which amounted to pretty much the same thing. The schedules alone would be altered, and even in these the alterations would be in the direction of maintaining the present law. No modifications were suggested in that part of the Bill which dealt with the taxation of the salaried classes or the extension of the tax to the professional classes on the same footing as the tax on traders.

The effect of referring this Bill to the Select Committee, after what had been said by Sir John Strachey, would be to enable them to consider its provisions in the light of the modifications which the Government were prepared to make. MR. BATTEN apprehended that the Select Committee would be at liberty to adopt or reject these modifications. If they rejected them, the Government would then have to consider what course it should take. But there seemed to be no sufficient reason for not referring the Bill to the Select Committee.

MR. BATTEN would ask the Council to consider what would be the effect of throwing out the Bill. It would simply be to maintain the four Acts in their present form. The taxation of the Commercial class would remain as it was; the provisions of the law, including the procedure to which so much objection had been taken, would remain in force; the million and a half people whom the Government proposed to relieve of £250,000 taxation would continue to bear that burden, and the richer officials and professional men to whom it was proposed to transfer it would remain free. On these grounds MR. BATTEN cordially supported the motion which had been put to the Council.

The Hon'ble MAHARAJÁ JOTINDRA MOHAN TAGORE said he was inclined to support the view which had been taken by his friend the hon'ble and learned Advocate General, for, the modifications which had been proposed in the Bill, in so far as he understood them, would completely alter its character and make it a new Bill altogether. Moreover, it was now proposed that this tax should no longer be raised, as was originally intended, for the purpose of providing means for meeting famine-expenditure, which was its only justification, but that its proceeds should form a part of the general revenues. On the other hand there was a strong impression, as had been correctly represented by the

Chamber of Commerce and the British Indian Association, that the prospects of the finances had materially improved, and that the retrenchments which were to be effected would result in considerable saving; so much so that it would warrant the expectation of the Government being able to dispense with the License-tax altogether. Under these circumstances he respectfully submitted that, until it was clearly shown that the public impression was unfounded, and the necessity of taxation was fully established, it would be neither expedient nor just to continue a direct tax of this nature, which had caused so much hardship and oppression, and consequent irritation in the public mind. But as it was not possible to get a correct insight into the financial position of Government till the budget-statement was published, he thought it desirable that any Bill for taxation should not be brought on until that time; the more so as the Hon'ble the Financial Member himself proposed not to proceed with this Bill before the publication of the financial statement. And as he thought there could be no great necessity for hurrying on a measure of this nature so long as the Acts now in operation were allowed to remain in force, the better course, in his humble opinion, would be, to wait till the financial exposition was made, and the public allowed an opportunity of knowing how far the Government stood in need of additional taxation. For these reasons he would support the view which had been taken by the Hon'ble Mr. Paul.

The Hon'ble Mr. COLVIN said that he entirely concurred in the remarks that had been made by the Hon'ble Mr. Batten in reply to the objection which had been taken by some of the preceding speakers. He did not see how it could be said that the changes suggested in the Bill were so great that they virtually left no motion for consideration by the Council. The changes, which the Financial Member had indicated, were all in the direction of remitting, not of extending, taxation. The Hon'ble Member proposed, for instance, to exempt from taxation a very large number of the lower classes of traders, namely, all those who earned less than Rs. 500 per annum, instead of those only whose earnings were below Rs. 250. Again, as regards the richer classes, he proposed to tax them at a lower rate than they would be assessed at if the Bill remained unaltered. The only extension of taxation which was intended was in respect of the professional, official, and salaried classes; but this extension had formed a part of the original Bill and was not a new proposal to the Council. These being the only alterations suggested, as he had understood the Hon'ble Member, it did not appear to him that their nature was such as to require the introduction of a new Bill; indeed, except in taxing the salaried classes—and to this, as he believed, no exception had ever been taken by anybody—the Bill, so far from making important innovations, would hardly contain anything that was not a re-enactment of the provisions contained in the existing Acts on the subject.

As to the argument that there is no necessity now for continuing the license-tax at all, he had been glad to hear the Financial Member say that direct taxation in this shape was not to be dependent hereafter on the fluctuations from year to year of the financial position, but was to be treated as a permanent source of revenue. All who had examined the subject must agree that there was no other way by which the trading classes could be made to bear their fair share of the general burden. There were great objections, no doubt, to direct taxation; so there were to indirect taxation. But it was useless to balance their respective merits for the present purpose, because there was no mode of indirect taxation by which trading incomes could be made to contribute in due proportion to the general revenues. It had been urged by the Hon'ble Mahārājā Jotindra Mohan Tagore that the license-tax, which it was proposed now to modify, had been originally justified on the ground that it was intended to supply the means of dealing with famine-expenditure, and that unless, as Mr. COLVIN understood him, this tax was strictly appropriated to that one particular purpose, it ought to be abolished. Mr. COLVIN was present at the discussions which took place at the time of the introduction of the License Tax Bill, and he certainly had not heard it said that the proceeds of any particular tax were to be devoted to any particular purpose.

[The Hon'ble MAHÁRÁJÁ JOTINDRA MOHAN TAGORE explained that what he had said was, that the general finances were not then in a position to meet the increased expenditure on account of famine, and therefore additional taxation was necessary to provide sufficient means for the payment of those expenses out of the general revenues.]

The Hon'ble MR. COLVIN continued: He now understood the Hon'ble Member to say that the license-tax was introduced because additional taxation was necessary to meet the expenditure on famine, and that, until it was shown that such an addition to the revenues was still required, there was no ground for continuing the license-tax. In that case the answer appeared to him to be that the necessity for the money continued with the necessity for the expenditure, and that the ordinary revenue of the country was still inadequate, without such help, to supply the yearly million or more which is necessary to provide for famine-requirements. He would not base any argument upon the state of the finances in the present year, because he had not sufficient information about them, and because the question did not really turn upon the state of the finances in one particular year. However prosperous that might be, the conditions of Indian finance did not appear to him to be such that it would be safe, on account of temporary prosperity, to relinquish a permanent branch of the revenue. The gain which had hitherto accrued upon exchange during the current year might be converted into a loss before its close. It was impossible also to shut one's eyes to the constant precariousness of our present opium-revenue. There were other items in the budget regarding which no one could foresee what a year might bring forth. Whatever might be the financial result of any single budget, he could see no sign of the finances becoming so permanently prosperous as to justify the hasty abandonment of a mode of taxation to which both the people who paid, and those who collected, the tax, were becoming familiarized, which was just and expedient in itself, which now yielded about three-quarters of a million sterling, and which might, if occasion arose, yield double that sum. For the reasons which he had given, he should support the motion before the Council.

The Hon'ble MR. HOPE said he should have supposed that the assurances given by the Hon'ble Member in charge of the Bill that the Council would not be called upon to pass the measure, or even the Select Committee to report upon it, until after the Financial Statement and exposition of ways and means for the coming year had been laid before the Council, together with the announcement of considerable additional remissions to which the Government had consented, might have precluded the necessity for further debate. This, however, had unfortunately not been the case; and objections of two important classes had been brought forward. The objection which had been brought forward by the Hon'ble Mr. PAUL had been described by himself as being a technical objection.

The Hon'ble MR. PAUL explained that he did not desire to be technical, though his objection was seemingly technical.

The Hon'ble MR. HOPE observed that in that case the method with which he would deal with the first objection was very considerably simplified. The objection appeared to him to amount to this, that the declarations which had been made by the Financial Member were of such an important nature, and so materially altered the measure which was before the Council that morning, as to make that measure entirely non-existent, and that in fact there was now no Bill to refer to a Select Committee, since what was now proposed was a totally different Bill. MR. HOPE was unable to see in what respects the Bill had become a totally different Bill. All that he had heard that day appeared to be declarations on the part of the Government that it was ready to make larger remissions than the Bill as introduced had provided for, and that it no longer considered it necessary to re-enact certain local laws which were at present in force. He thought that it would remain for the Select Committee to consider those suggestions and declarations; that the Committee would be at liberty to

alter the Bill in accordance with the lines which had been sketched out or otherwise, and that it would be in a better position than if a new Bill embodying those suggestions were introduced, because it would not be in any way pledged to the adoption of the principles now suggested, as it might be held to be if it had given leave to bring in and had referred to Committee a new Bill. The Members of the Government on the Committee too would be themselves in a far better position to consider any objections of detail that might be made to the plan which had been sketched out that day than if they stood formally committed to them. It would thus be far more convenient, both for the Government and the Members of the Committee, and more in the interests of the public in general, that the present Bill should be considered by the Committee by the light of the remarks which had been made by the Hon'ble the Financial Member than that this Bill should be withdrawn and a fresh Bill hereafter substituted. On the other hand, there were very considerable advantages in this Bill being referred to a Select Committee on the present occasion in preference to the course which had been suggested (if he understood it rightly) of a new Bill being introduced, but not until the Budget-statement had been made. The advantages were that the Select Committee would have most ample time to consider and elaborate all the details of the Bill; it would be able to study carefully all the reports which had been received and to call for necessary statistics and information from the Local Governments which it might desire. The labours of the Committee would be purely provisional, inasmuch as it would not be called upon to report until after the Budget-statement of the coming year had been made, and it would be at liberty to make any alterations which, after full consideration of the Budget, it might think necessary. If the Council then decided that no taxation was requisite, the Bill would be dropped. If it decided that taxation was necessary, then there would be a measure complete, ready and carefully elaborated at hand. On the other hand, if the course which had been suggested of withdrawing this Bill and introducing a fresh measure after the financial exposition had been made were adopted, there would be considerable delay; the new Bill would necessarily be considered with far more hurry and in a perfunctory manner, while the actual assessment and collection of the tax would be put forward into the hot weather and the rains, and so the checks which were necessary for the prevention of fraud and extortion would be infinitely less, and the tax-payer would suffer.

The other point upon which a few remarks were necessary was in reference to the expectation, which had been expressed by two Hon'ble Members and by the Bengal Chamber of Commerce, that, if the state of the finances proved to be very favourable, the license-tax might be dispensed with. MR. HOPE was not aware that the great scheme of a special insurance against famine, which was deliberately adopted two years ago, had been in any way set aside. He had not heard any declaration which might lead him to suppose that, and he should have been greatly surprised if any such declaration had been made. Whilst that great scheme lasted, it would be obviously inequitable to remit one portion of the taxation which was necessary for the provision of that insurance while retaining another portion. If there was one thing more clear than another, it was that the Council had decided that the non-agricultural portion of the community should pay their own fair share of taxation for protection from famines. He found that in the first debate which took place upon the subject, that of December 19th, 1877, it was distinctly stated that—

“The next very numerous class, although, of course, a small class compared to that of the agriculturists, is the class of traders and artisans. Although prosperous in ordinary times, this is a class on which, when famine occurs, pressure is the first to fall, and it ought to contribute for its own protection. Not only does it now contribute nothing for this purpose, but it is notorious that, throughout nearly the whole of India, although there is no class which benefits so greatly from our rule, there is none which bears so insignificant a share of the expenses of the State.”

It was quite unnecessary for MR. HOPE to add a string of quotations to prove that position. It would be enough if, in addition to the quotation he had made, he, with His Excellency's permission, recalled what passed on January 16th, 1878, when a suggestion similar to that which had been made by

two Hon'ble Members to-day was made by the Hon'ble Mr. Morgan. He having then urged, as had just been done, that the Budget-statement might show that new taxation was not required, it was declared by Sir John Strachey that it was "an essential part" of the scheme of famine-insurance "that these new taxes should be imposed equally, as far as one can do these things equally, both upon the commercial and agricultural classes." Again, at a later period, His Honour the Lieutenant-Governor of Bengal made a remark which Mr. Hope took in the same sense :—

"There is no question that the proper principle to follow in respect to the raising of revenue for such purposes as that which has led to the present schemes of taxation is that all having a permanent interest in the welfare of the country should bear their share of its burdens. The measures now before the Council adjust the incidence of taxation upon all interests, whether trading or landed interests."

His Honour THE LIEUTENANT-GOVERNOR here remarked that he thought these quotations were unnecessary, as the Council was not now discussing the question of the principle of the tax.

The Hon'ble MR. HOPE said that he had made these quotations in answer to the remark which had fallen from some Hon'ble Members that this Bill should be withdrawn, as it might hereafter appear that this tax might be dispensed with. He was endeavouring to show that the license-tax could not be dispensed with, as this Council had decided before that it was part of taxation designed to serve as a permanent famine-insurance, and to be contributed by all classes of the people. He therefore considered that the quotations were perfectly pertinent and necessary to his point, and he should continue them unless his Lordship ruled that he was out of order.

His Excellency THE PRESIDENT thought that the Hon'ble Member's remarks were quite legitimate in reply to what had fallen from the Hon'ble Mahárájá Jotindra Mohan Tagore. Moreover, it was in accordance with the Rules to discuss the principle of the Bill on a motion to refer it to a Select Committee.

The Hon'ble MR. HOPE then proceeded to say that, on the occasion to which he had been referring, His Lordship the President had concluded with an observation exactly in the same sense as those which MR. HOPE had already quoted, namely :—

"I think, then, I may fairly claim for the measures now before the Council at least the modest merit of an equitable distribution of famine-charges between the two great classes of the community who are, collectively, best able to bear them, and on whom such charges most reasonably fall."

There was also another reason, quite irrespective of the Budget-question, why such remission of taxation as that suggested should not be made, and it was this. This Council had deliberately confirmed the condition laid down by the Secretary of State that the raiyats should not be made to pay any taxation in the shape of assessment upon the land outside the revenue-assessment, unless a similar amount of taxation were raised from other classes of the community also. Therefore, if the Budget-statement were to show that the sum raised by this tax might be dispensed with, that would not be sufficient, unless it could be also shown that the Government could dispense with the similar amount of taxation derived from the new rates on land. Whether the finances would be in such a position or not MR. HOPE was not able to say.

MR. HOPE would now turn to another and a totally different ground on which he opposed the suggestion that it might be possible to remit this taxation altogether, if the state of the finances should be favourable. He considered that constant changes of taxation to make up for minor fluctuations of income and expenditure were much to be deprecated. In England the mass of the people were accustomed to watch the commercial and agricultural prosperity of the country, competent to understand changes and causes, and able to accept with intelligent equanimity an extra penny of income-tax, or an increase of duty on some article of consumption. But in India the position was just the reverse, and such a general condition was absolutely unknown. Certain sections of the community, indeed, were able to understand and criticise the

financial position as people in England could, if not better. As a rule, the people were in a totally different intellectual and moral condition. Every change which took place was a source of anxiety, of disquietude, of speculation, and of rumours which were often unreasonable and even absurd. He could imagine few conditions more economically and commercially prejudicial, if not politically dangerous, than that all India should come to be thrown annually, from December to March, into a state of doubt and speculation as to what their fiscal burdens for the coming year would be.

Moreover, if constant changes were to be avoided in taxation generally, they were especially so in the case of a direct tax such as that now in question. Whatever might be the difficulties of preventing fraud and extortion in levying such a tax, they were most materially enhanced by constant changes in the rates or by abolition and re-imposition. There had been no less than fifteen different License and Income Tax Acts in the twelve years following the time when Mr. Wilson first introduced his great income-tax, and the changes which had taken place had contributed in no small degree to the irregularities which took place in the collection and to the general unpopularity of the system. Direct taxation was nothing new in India; it formed part of the fiscal system which the British found on acquiring the country; it was still in some parts imposed by the Government in its ancient forms, such as the capitation-tax in Burma and the Pándhari-tax in the Central Provinces, and it might be seen at work in most of the Native States around us. All such taxes were most productive, and proved least oppressive just in proportion as the rates remained unchanged for long periods of time, and the system was so crystallised that the tax-gatherer found no plea for demanding, and had little chance of recovering, if he did demand, more than was notoriously and justly due.

Of course, Mr. HOPE continued, fluctuations of income and expenditure must occur; but we should avoid as far as possible perpetually adjusting taxation to fit them. Small fluctuations could be easily dealt with through the various expedients which loans for reproductive public works, balances, repayment of debt and optional heads of expenditure afforded; larger ones by variations of indirect taxation, which could often be effected without the people being even conscious of increase or decrease, rather than by changes in direct taxes.

Upon these grounds, Mr. HOPE trusted that, if the famine-insurance scheme was to be maintained at all, it might be maintained intact in principle. It was, further, much to be desired, though he could hardly hope for so fortunate a result, that the Select Committee would go so thoroughly into the matter as to enable the Council to decide, once for all, the vexed question of twenty years as to whether taxation of the non-agricultural classes could be suitably effected by direct methods of the income or license-tax type, and, if not, to adopt some other method of reaching those classes instead.

His Honour the LIEUTENANT-GOVERNOR said it was not his intention to discuss the principle of this Bill. To the Bill as it stood he had very serious objections, which he should have felt it his duty to urge, if it had not been that the explanations which had been made by his hon'ble friend Sir John Strachey as to the intentions of the Government had met most of his objections. He believed that there was not a single member present who did not condemn the Bill which the Council was now asked to refer to a Select Committee, and no one had condemned it more than the hon'ble Mover himself; and therefore it seemed to him that the Council would be stultifying itself if they accepted the motion, as it amounted to this, that they were asked to refer a Bill to a Select Committee which was not the Bill which the Committee would be asked to consider. Under these circumstances he could not help feeling that the arguments of the learned Advocate General in favour of withdrawing the Bill were very strong and sound. The question before the Council was a question of procedure; the rules for the conduct of business did not contemplate any such mode of procedure as that suggested by Sir John Strachey. Rule 18 provided that when a Bill was introduced the member in charge of it should move either that it be referred to a Select Committee or that it be taken into consideration by the

Council, or that it be circulated for the purpose of eliciting opinions thereon. The Council was not asked to accept either of those three courses, which were the only courses really open to it, but to accept a Bill of which they had no knowledge and to refer to a Select Committee a measure which they had no opportunity of considering. His Honour could see no reason why his hon'ble friend should not do what the learned Advocate General had suggested that he should do, namely to withdraw the present Bill and to introduce another Bill which should really set out the policy and principles which the Government desired to follow. Either the Government had determined that the License-tax should become a permanent part of the fiscal system of the country under all circumstances and without reference to the condition of the finances, or it had not, but had resolved to leave the question to be settled on the publication of the annual estimates. He understood from the remarks of hon'ble members who seemed to be informed of the intentions of the Government, that it had been finally determined to make the License-tax a permanent tax, and if that were so, he thought that the proper course for the Government to pursue was to withdraw the present Bill which they had avowed themselves unable to support, and lay before the Council a Bill which should represent the real policy of the Government. It was better to say at once what was intended, and there could be no possible object under such circumstances in waiting for the Budget. There would be nothing gained by delay, if the tax was really to be imposed without reference to the state of the finances which the Budget-statement might disclose. The Council should certainly, under no circumstances, be asked to refer to a Select Committee a Bill which it was admitted they were not really to adopt.

If, on the other hand, the passing of a law introducing a License-tax was to be dependent upon the annual estimates—His Honour gathered it was not—then nothing would be gained by referring this faulty Bill to a Select Committee of the Council, and there was great strength in the objections taken by the Advocate General. An executive Committee appointed by Government could prepare a measure to meet the views of Government, and it could then be brought in whenever it might be found convenient to do so. The question being, as he had said, a mere question of procedure, and the rules of the Council contemplating no such procedure as that suggested by his hon'ble friend, and the motion before the Council not being in accordance with any of the directions of Rule 18 to which he had already referred, he would strongly urge upon the Government the propriety of acceding to the amendment of the Advocate General, to which he had not yet heard a single substantial objection raised.

It had been pointed out by Mr. Batten and Mr. Colvin that the result of following the course of either preparing a new Bill at once, or of leaving the introduction of a Bill until the financial condition of the country should be ascertained, would be that the License Tax Acts as they now stood would remain in force, and a million and a quarter of people, who would otherwise be exempted, would continue to be taxed; that the changes proposed were all in favour of the tax-payers, and that as a consequence of not following the course proposed by the Government, a number of poor traders would remain subject to the tax for some time longer. It seemed to His Honour that there was no force or truth in that objection. It would make no difference in that respect whether this Bill was withdrawn and another substituted at once, or whether the matter was left to be reported upon a few weeks hence by the Select Committee as proposed by Sir J. Strachey. The present laws would remain in force in precisely the same degree, and the men who were now taxed under them would continue to be taxed. If the Government had determined to remit taxation in respect to the poorer classes of traders, it was open to it by an executive order to exempt them or any other classes affected by the law. That had already been done once, and the Hon'ble Mover had already explained that it was the intention of Government to do it again. The same remarks would apply to the observations which had fallen from the Hon'ble Mr. Hope: the delay would be no greater if the Bill were withdrawn and

a proper one substituted than it would be if, as proposed by the Government, the presentation of the report of the Committee should be deferred till after the submission of the annual estimates. HIS HONOUR would therefore strongly impress upon the Government that it was desirable, whatever the intention of Government might be as to the permanent character of the License-tax, that it should bring in a Bill in a complete form and present it to the Council. It was surely better to bring in a Bill which should give form to the real intention of Government in such a state that the Council could examine and discuss it before it was referred to a Select Committee for consideration and report.

The Hon'ble MR. RIVERS THOMPSON said he could see no objection in the rules for the conduct of the business of this Council to the propriety of the course which his hon'ble colleague, Sir John Strachey, had taken in asking that this Bill should be referred to a Select Committee. The question before the Council was simply whether the Bill should be referred to a Select Committee or not, and the motion had been opposed by the hon'ble and learned members opposite on the ground, first, that the Bill as introduced was not the Bill which the Select Committee would have to consider, and secondly, that it would be much better, considering that this Bill dealt with large questions affecting the finances, that its further discussion should be postponed until the Budget-estimates for the year were laid before the Council. This Bill when introduced was called, "The Trades and Professions Tax Bill, 1879," and it was in that character only that it was proposed that it should go before a Select Committee. He did not see that there was any change or alteration in the principle of the measure since it was first brought in; but as then it extended taxation to the professional and salaried classes of the community, who had been previously exempted under the License Acts, as such it remains for the Select Committee to consider. It seemed to him that if any Hon'ble Member had taken exception to the principle of the proposal as affecting those classes, or had raised any issue upon the question of direct taxation, this was the occasion when such an objection might have been urged. But nothing of this kind had been done. The principle which the Government asserted of the propriety and necessity of imposing a tax on trades and professions remained unaffected; and he should have thought, after the exhaustive statement which his hon'ble friend Sir John Strachey had made as regards the intentions of the Government, all in a beneficial sense, all tending to relieve the poorer classes, even to the surrender of revenue amounting to £100,000, and extending the minimum-limit of taxation to Rs. 500 a year, the concessions would have satisfied hon'ble gentlemen opposite, and left no room for objection to the further progress of the measure.

In regard to the Financial Statement, to the publication of which it was desired to postpone the consideration of the proposals now submitted to the Council, it seemed to him that the sacrifice of £100,000 was not a very large sum for the Government of a country whose revenue and expenditure were something like sixty millions a year. After the fullest consideration, the Government had decided that the License-tax was to be a permanent measure on the broad and general ground that there was every possible justification for imposing a tax on classes which had hitherto been exempt from the payment of any contribution to the necessities of the State. Whether therefore the finances were prosperous or not, or whether in a few weeks hence his hon'ble friend would still be in a position to submit a satisfactory Budget, was immaterial to a question which affected only a small portion of the income, and in view to the resolution which the Government had adopted for equalising the burden of taxation and maintaining this tax as a permanent part of the fiscal administration of the country. With regard to the intention now expressed of retaining the local Acts in force, he would only say that such a course commended itself on the ground that it left to local Governments the procedure on all details which were suited to their circumstances and of which now they had gained some two years experience. In some instances this desire had been expressed by local Governments and it had therefore been decided to adopt that course. He should support the motion that the Bill be referred to a Select Committee.

The Hon'ble SIR A. ARBUTHNOT said that what he had to say in reply to the objection that had been urged by the hon'ble member who commenced the debate after the Hon'ble Sir J. Strachey's speech had been delivered, had been in a great measure anticipated by the remarks which had fallen from the Hon'ble Messrs. Batten and Hope, and by those which had just been made by his hon'ble colleague Mr. Rivers Thompson. But he wanted to say, with reference to the objection which had been advanced by his hon'ble and learned friend Mr. Paul, that that objection appeared to him, notwithstanding his hon'ble friend's disavowal of an intention to raise it as a merely technical objection, to be in substance more or less of the character of a technical objection. It was an objection the validity of which he should be very much disposed to recognize if the measure now before the Council, and which the Council was requested to refer to a Select Committee, were entirely a novel one. If the Government had come to the Council with a new measure of taxation, and at the first meeting after the introduction of the measure had told the Council that while they wished to refer it to a Select Committee, they proposed to make very material alterations in it—in that case SIR A. ARBUTHNOT thought that hon'ble members not in the secrets of the Government would be entitled to demand that before they consented to the reference, the details of the measure should be laid before them in a definite and clear form. But the measure now before them was in substance merely the amendment and modification of a law which had been in force nearly two years. The objects of the amendments had been fully explained to the Council. These objects were, in the first instance, to relieve from taxation a very considerable number of persons—he might say, in relation to the number of persons affected by the measure, an enormous number—from the pressure of taxation, and to bring under its operation certain classes of persons who were not now affected by it, but who, on principles of fair and equal justice, it had been deemed expedient to bring under taxation. The Government admitted that the measure was not in its present lines what could be called a complete measure; they had deferred to the objections which had been frequently raised, and which six years ago had led the Government to abandon an income-tax, but they admitted that in thus abandoning the income-tax, the Government and Legislature were placed under the necessity of exempting from taxation many classes of persons who, they all felt, ought in justice to be made liable to taxation. The question now before the Council was not whether the Bill should be converted into an Income-Tax Bill, but whether its main principle of relieving the poorer classes who were included under the existing Act, and of bringing certain other classes under the tax, should be affirmed; and it appeared to SIR A. ARBUTHNOT that it would be far more convenient, for reasons which had been very fully dwelt upon by the Hon'ble Mr. Hope, that this measure should now go before a Select Committee, than that it should be withdrawn, and a delay of some weeks should take place in framing an amended measure embodying the exact terms of the provisions which his hon'ble friend Sir J. Strachey had sketched out in his speech. It was not perhaps very important that the consequence of delaying the reference to a Select Committee would be, so far as the law was concerned, to keep the poorer classes liable to taxation; for, as had been pointed out, their exemption could be obtained by an executive order. But the amendment of the present law involved other considerations. It was a measure which, in the hands of the Select Committee, might occupy a good deal of time, and it was one in regard to which it was desirable that the Select Committee should have ample time for consideration and examination.

It would be quite open to the Select Committee, notwithstanding the announcement which had been made by the hon'ble member in charge of the Bill, not to adopt the proposal that the existing Acts should be left in force, subject to an alteration of their schedules. On further consideration it might be deemed more expedient that, as was proposed when the present Bill was introduced into the Council, the whole of the law on the subject should be contained in a single Bill. This was a point which seemed to SIR A. ARBUTH-

NOT to deserve the careful consideration of the Select Committee, represented as it would be by members of all classes in the Council. The Hon'ble Mr. Batten had shown that substantially it made very little difference whether the proposal to leave in force the greater part of the existing local Acts were carried out, or the Bill were retained in its present form. It was for this reason that SIR A. ARBUTHNOT ventured to designate the objection raised by his hon'ble and learned colleague as being more or less of the character of a technical objection. As he understood the arguments of his hon'ble colleague the Financial Member, the reason which had led him to suggest, and which had led other members of the Government to agree, that this Bill should not be reported upon or passed until the financial statement for the ensuing year was laid before the Council, was this, that it was yet to be determined to what extent the remissions of taxation could be made. The intention of the Government was that a Bill similar in its principles to the existing law, but comprising within its provisions the official and professional classes, and relieving the poorer classes of tradesmen, should be passed; but what the precise rates of taxation should be, and how far the proposed remissions should affect the several classes concerned, were questions which it was not expedient or convenient finally to determine, until the Government were in a position to explain to the Council and to the public the financial situation, as far as they could explain it, when the budget-estimates had been framed. As the Hon'ble Mr. Hope had pointed out, to postpone the further proceeding with this measure until the financial statement had been made, would be to cause what seemed to him (SIR A. ARBUTHNOT) a very inconvenient amount of delay. It would drive the proceedings which would have to be taken for bringing the measure into operation, into the hot weather, and would embarrass the administrative and executive officers very seriously in their work. It seemed to him that the business which in any case the Select Committee would have to do, would be better performed with ample time and leisure for consideration, for examination, and, if necessary, for reference to the various Local Governments and Authorities who were concerned in this matter. It would be open to the Select Committee if, when the financial statement was made, the majority of them should consider that there was no necessity for retaining taxation of this kind, to urge that view upon the Council, and it would be then for the collective Council to consider the measure in all its bearings, to take into account, not only the present circumstances, but the prospects and possibilities of the future, with reference to the experience of the past, and bearing in mind these prospects and possibilities, which at the present time they must all feel were possibilities of a very serious character, to determine whether or not it was necessary to maintain a system of direct taxation as a part of the taxation of India. He hoped that under these circumstances, and after these explanations, the Council would allow this measure to go before a Select Committee, in order that it should receive from that body that ample examination and consideration which was necessary, and which the Government desired that it should receive.

HIS EXCELLENCY THE PRESIDENT said, it had not been his intention to make any remarks upon the present occasion, because, although, no doubt the proper time for discussing the principles of a Bill was on the motion for its reference to a Select Committee, yet, as a matter of fact, he might say that since he had had the honour of presiding over this Council, he did not remember an instance in which a Bill had encountered on its way to Committee any serious opposition not indicated at the time of its introduction. The present motion, however, had been opposed by the Hon'ble Mr. Paul on the ground, as HIS EXCELLENCY understood it, that there was practically nothing to refer to the Committee, because the Bill on which leave was asked to go into Committee had been altered out of existence by the statements with which his hon'ble friend Sir John Strachey had accompanied his motion. HIS EXCELLENCY was unable to understand how it was possible that any Bill before this Council could be altered in its progress through Council by process of announcement. That was a procedure unknown to HIS EXCELLENCY. The authors of a Bill, whether it were a Government Bill, or a private Bill, were, he conceived,

perfectly free to announce in Council their readiness to accept certain alterations of it, if such alterations were approved or recommended by the Select Committee to which it is referred: and announcements of this kind might sometimes be very convenient. But it was not customary, and HIS EXCELLENCY believed it was not possible, for a Bill to be altered in Council, before it had been considered in Committee. Hon'ble Members could reject this Bill by refusing leave to refer it to a Select Committee, but the Government would certainly oppose any motion made with that object. They could not, however, alter the Bill by the adoption of clauses which were not yet before them. Sir John Strachey had stated on behalf of the Government its intention to propose or accept in Committee certain alterations of the Bill; but, the Government had no intention of withdrawing the Bill, and no power to alter it without reference to a Committee. It would be for the Committee to recommend the alteration or retention of its present clauses; and for the Council then to accept or reject the recommendation of the Committee. HIS EXCELLENCY wished to remind the Council that the practical question involved in the consideration of this Bill was not whether fresh taxation should be imposed, but whether the existing taxation of the country should be maintained as it stood, or any portion of it remitted. His Honour the Lieutenant-Governor had observed that the Government should state its intention clearly on a point about which HIS EXCELLENCY thought the intentions of the Government had never been open to question. It was quite true that the maintenance of an additional source of revenue, or an additional charge upon revenue, which the Government had repeatedly declared that they regarded as permanent, would not be affected by the state of our finances; but the possibility or prudence of lightening the present assessment, or modifying the present incidence of a permanent tax, was a question which the Council would be better able to discuss after Hon'ble Members had heard the financial statement.

The question being put, the Council divided.

Ayes.

The Hon'ble Charles Grant.
The Hon'ble G. H. M. Batten.
The Hon'ble B. W. Colvin.
The Hon'ble T. C. Hope.
The Hon'ble Sayyad Ahmad Khán.
The Hon'ble Rivers Thompson.
The Hon'ble Whitley Stokes.
The Hon'ble Sir E. B. Johnson.
The Hon'ble Sir J. Strachey.
The Hon'ble Sir Andrew Clarke.
The Hon'ble Sir A. J. Arbuthnot.
His Excellency the Commander-in-Chief.
His Excellency the President.

Noes.

The Hon'ble G. C. Paul.
The Hon'ble J. Pitt-Kennedy.
The Hon'ble E. C. Morgan.
The Hon'ble Jotindra Mohan Tagore.
His Honour the Lieutenant-Governor.

So the Motion was carried.

SUNDRY BILLS.

The Hon'ble MR. STOKES moved that the Hon'ble Mr. Morgan be added to the Select Committees on the following Bills:—

To provide for the registration of Trade-marks.

Relating to Merchant Shipping.

To define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques.

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble MR. STOKES also moved that the Hon'ble Messrs. Grant, Kennedy and Paul be added to the Select Committees on the following Bills :—

To define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques.

To define and amend the law relating to alluvion, islands and abandoned river-beds.

To provide for the grant of probates of wills and letters of administration to the estates of certain deceased persons.

To make further provision for the grant of probates of wills and letters of administration in non-contentious cases.

The Motion was put and agreed to.

MERCHANT SHIPPING BILL.

The Hon'ble MR. STOKES also moved that the Hon'ble Mr. Paul be added to the Select Committee on the Bill relating to Merchant Shipping.

The Motion was put and agreed to.

FACTORIES BILL.

The Hon'ble MR. COLVIN moved that the Hon'ble Mr. Grant be added to the Select Committee on the Bill to regulate labour in Factories.

The Motion was put and agreed to.

The Council adjourned to Friday, the 9th January, 1880.

D. FITZPATRICK,

Secretary to the Government of India,

Legislative Department.

CALCUTTA ;
The 24th December, 1879. }



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 2. } CALCUTTA, SATURDAY, JANUARY 10, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 2.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Port William, the 9th January, 1880.

No. 1.—The following Statutes are published for general information:—

42 & 43 VIC., CAP. 60.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. [15th August 1879.]

Whereas the exigencies of the public service in India require that the Secretary of State in Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India:—

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for the Secretary of State in Council of India, at any time or times after the passing of this Act, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not

exceeding in the whole five millions of pounds sterling, of which two millions five hundred thousand pounds sterling may be raised by the creation and issue of capital stock bearing interest; and the whole or any portion of the remaining two millions five hundred thousand pounds sterling may be raised by the creation and issue of bonds, debentures, or bills, but not by the creation and issue of capital stock bearing interest, and so that the total sum raised by bills current at any time shall not exceed one million pounds sterling.

2. All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India, or one of his under secretaries, or his assistant under secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the said Secretary of State in Council may think fit.

3. All debentures issued under the authority of this Act may be issued under the hands of two members of the Council, and countersigned as aforesaid, for such respective amounts, and at such rate or rates of interest, as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

4. All debentures issued under the authority of this Act shall be paid off principal and interest at par at a time or times to be mentioned in such debentures respectively; and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein; and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England.

5. All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest moneys secured thereby, shall be transferable by the delivery of such debentures; and the coupons for interest annexed to any debenture issued under the authority of this Act shall also pass by delivery.

6. All bills issued under the authority of this Act may be issued under the hands of two members of the Council, and countersigned as aforesaid, for such respective amounts as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

7. A bill issued under the authority of this Act shall be a bill for the payment of the principal sum named therein at the date therein mentioned, so that the date be not more than twelve months from the date of the bill; and the principal sum secured by such bill shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England. Interest shall be payable in respect of such bill at such rate and in such manner as the Secretary of State in Council may determine.

8. Any capital stock created under the authority of this Act shall bear such a rate of interest as the Secretary of State in Council may think fit; and such capital stock may be issued on such terms as may be determined by the Secretary of State in Council; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State in Council may prescribe previously to the issue of such capital stock.

9. In case of the creation and issue of any such capital stock there shall be kept, either at the Office of the Secretary of State in Council in London or at the Bank of England, books wherein entries shall be made of the said capital stock, and wherein all assignments or transfers of the same, or any part thereof, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or any part thereof, or any interest therein, shall be good and

available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

10. The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed five millions.

Amount charged on revenues of India not to exceed 5,000,000L.

11. Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State in Council may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid; and the total amount raised under this section by the creation and issue of capital stock bearing interest shall not, at any one time, exceed two millions five hundred thousand pounds sterling.

12. All bonds, debentures, and bills to be issued under this Act, and the principal moneys and interest thereby secured, and all capital stock to be issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the government of the said territories.

13. The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

14. All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture or bill issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority.

15. Provided always, that, at the end of each of the half-years ending on the thirty-first day of March and the thirtieth day of September in every year, the Secretary of State in Council shall prepare or cause to be prepared a return of all loans raised in England under the provisions of this Act or of any other Acts, chargeable on the revenues of India, outstanding at the commencement of each half-year, with the rates of

Forgery of debentures and bills to be punishable as forgery of East India bonds.

Half yearly returns of moneys raised on loan, &c., to be presented to Parliament.

interest and total amount payable thereon, and the date of the termination of each loan, the debt incurred during the half-year, the moneys raised thereby during the half-year, the loans paid off or discharged during the half-year, and the loans outstanding at the close of the half-year, stating, so far as the public convenience will allow, the purpose or service for which moneys have been raised during the half year; and that a similar return shall also be prepared of all loans raised in India; that such returns shall be presented to both Houses of Parliament within fifteen days after the expiration of the said half-yearly periods as regards the loans raised in England, and within three months as regards the loans raised in India, if Parliament be then sitting, or if not sitting, then within one week after Parliament shall be next assembled; and the various conditions in respect to terms, prices, dates of payment, and rates of interest on which bills have been issued during the half-year under the authority of sections six and seven of this Act, shall be shown in the return in a form admitting of a comparison with previous years.

16. The provisions of the Act of the fortieth and forty-first Victoria, chapter fifty-one, section sixteen, so far as regards the preparation and presentation to Parliament half-yearly of a return of all stocks, loans, debts, and liabilities chargeable on the revenues of India, are hereby repealed.

17. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of passing thereof.

18. Any capital stock created under this Act shall be deemed to be East India stock, within the Act twenty-second and twenty-third Victoria, chapter thirty-five, section thirty-two, unless and until Parliament shall otherwise provide; and any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding.

19. The provisions contained in the third section of the Act of the thirty-third and thirty-fourth Victoria, chapter ninety-three, and all other enactments in the said Act relating to or affecting such provisions, shall be extended and be applicable to any capital stock created under this Act.

42 & 43 VIC., CAP. 72.

An Act to provide for the re-hearing of Investigations into Shipping Casualties, and to amend the rules as to the mode of holding, and procedure at, such Investigations. [15th August 1879.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in

this present Parliament assembled, and by the authority of the same, as follows; that is to say,—

1. This Act may be cited as the Shipping Casualties. Investigations Act, 1879. .

2. (1.) Where an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty, has been held under the Merchant Shipping Act, 1854, or any Act amending the same, or under any provision for holding such investigations in a British possession, the Board of Trade may, in any case, and shall, if new and important evidence which could not be produced at the investigation has been discovered, or if for any other reason there has in their opinion been ground for suspecting a miscarriage of justice, order that the case be re-heard, either generally or as to any part thereof, and either by the court or authority by whom it was heard in the first instance, or by the wreck commissioner, or in England or Ireland by a judge of Her Majesty's High Court of Justice exercising jurisdiction in Admiralty cases, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly.

(2.) Where, in any such investigation, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts; namely,—

- (a) If the decision is given in England or by a naval court, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice;
- (b) If the decision is given in Scotland, either division of the Court of Session;
- (c) If the decision is given in Ireland, the High Court of Admiralty, or the Judge or Division of Her Majesty's High Court of Justice exercising jurisdiction in Admiralty cases.

(3.) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

3. (1.) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only, but persons entered in any such list may be approved for any subsequent list. The list of those persons in force at the passing of this Act shall continue in force until the end of the year one thousand eight hundred and eighty, but nothing in this section shall affect the power of the Secretary of State to withdraw his approval of any name on any such list or to approve of any additional name.

(2.) The assessor or assessors for each such investigation shall, instead of being appointed by the commissioner, justices, or other authority holding the investigation, be appointed in each

manner and according to such regulations as may be from time to time prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

(3.) Where any such investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer it shall be held with the assistance of not less than two assessors having experience in the merchant service.

(4.) A master, mate, or engineer shall not be required to deliver his certificate under section four hundred and thirty-eight of the Merchant Shipping Act, 1854, or section twenty-four of the 17 & 18 Vic., c. 104. Merchant Shipping Act, 25 & 26 Vic., c. 63. 1862, unless the certificate is suspended or cancelled, and the words "or is to be" in the latter of those sections are hereby repealed.

(5.) Investigations into shipping casualties shall be held in some town hall, assize or county court, public building, or in some other suitable place to be determined according to general rules made for the purpose by the Lord High Chancellor of Great Britain, and unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court.

4. Any general rule made in pursuance of this Act shall be laid before both Houses of Parliament within thirty days after it is made, if Parliament be then sitting, or if not, within thirty days after the commencement of the then next ensuing session.

5. This Act shall commence and come into operation on the first day of November one thousand eight hundred and seventy-nine: Provided that any rules which may be required for the purposes of this Act may be made at any time before the commencement of this Act, but, if so made, shall not come into operation until the commencement of this Act.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 9th January 1880.

No. 32.—The following revised rule is published for general information in supersession of rule 7 of the rules framed by the Governor General in Council under the "Indian Arms Act, 1878," and published in Home Department Notification No. 518, dated the 6th March 1879:—

7. Licenses to export arms or ammunition or military stores by land or by river to any place beyond the frontier of British India, or to any place within the limits of the Feudatory State, and licenses to import arms or ammunition or military stores into, or to export the same out of, the District of Ajmere, may be granted by the Secretary to the Gov-

ernment of India in the Foreign Department, or by any other Officer especially empowered by the Government of India to grant them. Licenses to export arms or ammunition or military stores by land or by river to any place within the political jurisdiction of the Governments of Madras and Bombay may be granted by the Secretaries to the Governments of Madras and Bombay, respectively; copies of such licenses being sent to the Foreign Department of the Government of India for information. These licenses will be valid only for the State named in them, and no export beyond the limits of that State can be permitted under them.

Licenses granted under this rule will be prepared in Form V, and be charged with a fee of rupees five, except in such cases as the Government of India in the Foreign Department may grant exemption from, or reduction of, the prescribed fee.

ESTABLISHMENTS.

The 9th January 1880.

No. 15.—APPOINTMENT.—In modification of Home Department Notification No. 489, dated the 21st August 1879, C. Rungia is confirmed in the appointment of Extra Assistant Commissioner, 4th Class, in the Central Provinces, *vice* Bargho Rao, whose appointment of Extra Assistant Commissioner, 4th Class, announced in Notification No. 151, dated the 27th February 1879, has been cancelled with effect from the 20th June 1879.

JUDICIAL.

The 9th January 1880.

No. 26.—The services of Surgeon-Major J. Law, M.D., Superintendent of the Central Jail at Nagpur, are placed at the disposal of the Foreign Department.

POLICE.

The 9th January 1880.

No. 12.—The services of Mr. G. A. Patten, Officiating Assistant Superintendent of Police, Serajgunge, Pubna, in the Lower Provinces of Bengal, are placed at the disposal of the Chief Commissioner of Assam.

EDUCATION.

The 6th January 1880.

No. 5.—Under Section 12, Act II of 1857, the Governor General in Council is pleased to authorize the affiliation to the Calcutta University of St. Francis de Sale's School, Nagpur, with effect from the 1st January 1879, up to the standard for the First Arts Examination.

ECCLESIASTICAL.

The 7th January 1880.

No. 4.—The services of the Reverend A. G. A. Roberts, M.A., Junior Chaplain on the Bengal Ecclesiastical Establishment, are placed at the disposal of the Government of Bengal, with effect from the 1st instant.

*The 8th January 1880.**

No. 7.—The services of the Venerable G. F. Popham Blyth are placed at the disposal of the Chief Commissioner of British Burma.

FORESTS.

The 7th January 1880.

No. 17F.—Captain E. S. Wood, Conservator of Forests of the Oudh Circle, is appointed, in addition to his own duties, to act as Conservator of Forests of the Central Circle of the North-Western Provinces and Oudh, during the absence of Mr. G. Greig, on three months' privilege leave.

C. BERNARD,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Fort William, the 5th January 1880.

No. 21.-J.—Mr. E. Hewetson, Assistant Superintendent of Police in Bangalore, is appointed to be District Superintendent of Police in the Town and Cantonment of Bangalore.

The 6th January 1880.

No. 51.-J.—ERRATUM.—In Notification of the Foreign Department, No. 282 I.-J., dated 10th

No. 27 I.-P.—The Governor-General in Council is pleased to extend Act No. XI of 1878 (the Indian Arms Act, 1878,) to the territories of Mysore, subject to the following modifications, *viz.* :—

(1). The first paragraph and clause (a), section one, section two, sections six to nine (inclusive), the explanation in section ten, section eleven, clause (c) in section nineteen, and the second schedule, shall be omitted.

(2). The words "import, export" in section one, clause (b), the words "to Her Majesty" in sections fourteen and sixteen, the words "or section six" in clause (d), section seventeen, the words "or Commissioner of Police in a Presidency Town" in section eighteen, the reference to clause (c) of section nineteen in section twenty, the words "or, in a Presidency Town, of the Commissioner of Police," in section twenty-nine, and the words "or the Presidency Magistrates' Act, 1877," and "or Act" in section thirty, shall be omitted.

(3). In section eighteen for the words "Magistrate or Commissioner," the words "or Magistrate," and for the word "its" each time it occurs, the word "his" shall be substituted.

(4). For the words "British India" and "Local Government," wherever they occur, the words "territories of Mysore" and "Chief Commissioner of Mysore" shall be respectively substituted.

No. 28 I.-P.—In continuation of Notification No. 27 I. P., dated to-day, the Governor General in Council is pleased, under Section 27 of the Indian Arms Act, 1878, to exempt in the Territories of Mysore from the operations of all prohibitions and directions contained in Sections 13, 14, 15 and 16 of the said Act, other than those referring to cannon, articles designed for torpedo service, war-rockets, and machinery for the manufacture of arms and ammunition, the under-mentioned persons, namely :—

- (1) All Maharajas, Rajas, Nawabs, Members of any Order of Knighthood; all persons bearing a title conferred by the Government of India; all persons who have been granted a sword in Public Durbar; all persons who received certificates on the 1st January 1877; all persons who are exempted from personal attendance at the Civil Courts.

October 1879, in the 2nd Clause of Rule 3, after the word "appeal" for "on" read "or in."

POLITICAL.

The 7th January 1880.

No. 3G.-P.—With reference to Notification No. 1321G.-P., dated 16th October 1879, Mr. C. Kapp, Consul for the German Empire at Bombay resumed charge of his office on the 10th December 1879.

No. 6G.-P.—With reference to Notification No. 1370G.-P., dated 13th November 1879, Mr. G. Ruckert, Acting Consul for Sweden and Norway at Akyab, resumed charge of his duties on the 22nd December 1879.

No. 8G.-P.—With reference to Notification No. 1372G.-P., dated 13th November 1879, Mr. G. Ruckert, Acting Consul for the Netherlands at Akyab, resumed charge of his duties on the 22nd December 1879.

No. 10G.-P.—With reference to Notification No. 1374G.-P., dated 13th November 1879, Mr. G. Ruckert, Acting Consul for Denmark at Akyab, resumed charge of his duties on the 22nd December 1879.

No. 12G.-P.—Major C. B. Euan Smith, C.S.I. Officiating Political Agent, Muskat, is attache temporarily on special political duty to the staff of Lieutenant-General Sir D. M. Stewart, K.C.B. Commanding Southern Afghanistan Field Force with effect from the date of taking charge.

- (2) All Members or ex-Members of the Council of the Governor General or of the Governors of Madras or Bombay, or of the Council of the Lieutenant-Governor of Bengal.
- (3) All Military and Naval Officers, all Soldiers, Sailors, Volunteers, Police Officers, Forest Officers, Postal Officers, Jail Officers, serving the Government.
- (4) All Magistrates, Justices of the Peace, Honorary Magistrates, and Judicial Officers of or above the rank of Munsiff.
- (5) All European and East Indian subjects of Her Majesty the Queen Empress, all Armenians, and all Americans, and Europeans not British-born subjects of Her Majesty who are temporarily residing or travelling in Mysore.
- (6) All pensioned Officers of the Native Army, and pensioned Officers of the Civil Departments who, when employed, were exempt.
- (7) The following personages and their retainers :—
Arsus and relatives of His Highness the Maharaja, subject to such orders as the Chief Commissioner may issue regarding the number, personages and retainers to be included under this head.
- (8) Land-holders and members of Municipal Committees of approved loyalty and of good position, according to lists that may from time to time be issued by the Chief Commissioner.
- (9) All Village Patels, Talavars and other Rural Police.
- (10) All persons of Coorg race and all jamma-tenure-holders in Coorg, who by their tenures are liable for Police and Military duties.
- (11) All Revenue Officials and Postal Runners in frontier or wild districts, where the superior Departmental Officers direct them to carry arms on duty.

II. The Governor General in Council is pleased, under Section 27 of the said Act, to exclude from the operation of any prohibition and direction contained in the Act—

Spears of all kinds.

III. The Governor General in Council is pleased, under Section 17 of the said Act, to make the following Rules, determining the officers by whom, the form in which, and the terms and conditions on and subject to which, licenses shall be granted :—

RULES.

Transport.

2. No arms, or ammunition, or military stores shall be transported in any part of the Territories of Mysore without a license in Form I appended to these Rules. The license will be granted by the Magistrate of the District. If the articles are to be consigned to a place beyond the jurisdiction of the officer granting the license, the consent of the Magistrate of the District to which the consignment is made must be obtained before the license is issued. Such consent may be obtained by the person applying for the license, or the District Magistrate, to whom application for the license is made, may forward the proposed license to the officer whose consent is required, and on receiving reply should either issue the license to the applicant, or inform him that his application for a license to transport arms, &c., had been refused.

3. Persons lawfully entitled to possess arms, or to go armed, are permitted to transport, in any part of the Territories of Mysore, arms or ammunition in reasonable quantities for their own use. Any person abusing this exemption and transporting such articles otherwise than in reasonable quantities for his own use, will be held to have contravened this rule, and will, on conviction, become liable to the penalties under Sections 18 and 19.

4. A license to transport arms or ammunition, or military stores is void if the consignment breaks bulk at any place short of the district for which it may be granted. A license to transport shall ordinarily not be made valid for more than twice the period actually required for the conveyance of the articles to their destination by the intended route.

5. Persons desirous of transporting arms, ammunition, or military stores must apply in writing to the officer authorized to grant transport licenses from the place of despatch. The application must specify—

- (a)—the place to which the articles are to be transported, the route of transport, and the probable time occupied in the journey ;

(b)—the quantity, description, average price, and the purpose of each kind of arms or ammunition ; or

(c)—whether the applicant desires that the officer to whom he applies should obtain the consent of the Magistrate of the place of consignment (if the applicant has obtained such consent, the evidence of such consent must be produced).

6. Persons transporting arms, ammunition, or military stores under a license must write legibly on the cases or packages containing such articles on account of their contents.

7. Within six days of the articles reaching their destination the consignee must deliver the transport license to the Magistrate of the District. The officer to whom the transport license shall be delivered must satisfy himself that the articles transported to his district correspond with the entries in the pass, and that any deficiency is properly accounted for.

Manufacture and Sale.

8. Licenses to manufacture, convert, keep and sell arms or ammunition or military stores may be granted by the Magistrate of the District. They shall be in Forms II and III appended to these Rules. The fee payable in stamps shall be twenty rupees in respect of licenses to manufacture and sell, &c., and ten rupees in respect of licenses to keep and sell, &c. Every license-holder under this rule shall keep, in such form as the Chief Commissioner may from time to time direct, a record and account of all stock, and of all sales of arms and ammunition or sulphur, which he may keep or sell. He shall exhibit his stock and his record, or accounts of stock and sales to any Magistrate, or to any Police Officer not below the rank of Inspector. Magistrates and all Police Officers not below the rank of Inspector are hereby empowered to enter and inspect any premises within their several jurisdictions in which arms or ammunition or sulphur are manufactured or kept, and to examine the stock and accounts of receipts and sales of arms, ammunition and military stores. Any person licensed to sell arms and ammunition shall affix a board on a conspicuous part of his shop, or usual place of business, and shall cause to be painted thereon in large letters in English, or in the vernacular of the district, his name and the words "licensed to manufacture," or "licensed to deal in arms, ammunition, and military stores," as the case may be. He shall also have a copy of Section 28 of the Indian Arms Act posted up, in the vernacular of the district or in English, on some conspicuous part of his usual place of business.

Possession of Arms and going armed.

9. Licenses to possess cannon shall not be granted, save under the special order of the Governor General in Council, certified under the signature of the secretary to the Government of India in the Foreign Department. A copy of such license, so certified, must be sent immediately on its issue to the District Magistrate of the place where the cannon is to be kept.

10. Licenses to possess arms and ammunition in reasonable quantities and to go armed for purposes of sport, of protection, or of display, may be granted by the Magistrate of the District in Form IV. Such licenses shall be liable to a fee of eight annas for each weapon in disarmed districts, and to a fee of four annas for each weapon in districts which have not been disarmed. Such a license will authorize its holder to carry the arms described in the license on occasions when they may be reasonably required for the purposes named in the license. But the holder, unless specially authorized by the Magistrate, must not go armed in railway carriages, to fairs, religious processions, or other public assemblages. Licenses granted under this rule shall, on countersignature by the Commissioner of the Division or other Officer authorized in this regard by the Chief Commissioner, where there are no Commissioners, be valid for all the districts of the Territories of Mysore.

11. The Magistrate of the District may grant a license in Form V for a journey, specifying the direction of the journey and the period it will occupy. Such license will be valid in other jurisdictions only for such journey and for such period, and will be liable to a fee of four annas for each weapon. Holders of licenses under this rule, unless specially authorized by the officer granting the licenses, must not go armed in railway carriages, to fairs, religious processions, or other public assemblies.

12. Licenses to *possess* fire-arms or ammunition or military stores in districts which have not been disarmed may be granted in Form VI without fee. Such licenses will not authorize the holders to go armed or to carry arms. In districts which have not been disarmed, as well as in disarmed districts, licenses to possess and carry arms (Form IV) will be liable to fees as stated in Rule 9.

13. Licenses for possession of arms and ammunition may be granted in Form VII without fee, and for a term of five years, to persons who require arms for the destruction of wild animals which do injury to human beings, cattle, or crops. Such license will be valid only in or on the immediate confines of the district for which it is granted. It will be subject to the conditions that the license and the weapon it covers is shown once a year, between the 15th November and the 31st December, to the nearest Magistrate; that the weapon becomes confiscated to Government directly it is sold or seized in execution of any debt; and that such weapon is carried only on occasions when it is to be used *bonâ fide* for the destruction of wild animals. Holders of licenses under this rule must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

General.

14. The fees leviable under these rules shall be taken in the shape of "impressed stamps." Ordinarily the applications for licenses or renewals of licenses shall be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses or renewals; and the licenses will be issued on plain paper. But when the licenses themselves are written or printed on "impressed stamps," the applications may be on plain paper. When an application for a license is written on an "impressed stamp," and the license is refused, the value of the stamp will be refunded to the applicant.

15. Applications for licenses in respect of which no fee is leviable, or regarding licenses on which the full fee has been paid, shall be considered to be applications within meaning of Schedule II, Article I, Clause (a) of "the Court Fees Act, 1870," and shall bear a court fee stamp of one anna.

16. All licenses under Rules 7 and 9 shall expire on the 31st December of the year for which they may be issued; licenses under Rule 11 shall expire on the 31st December of the 5th year of their currency. But the currency of a license may be renewed, previous to its expiration, on payment of a second fee by the same authority that granted it.

17. All licenses shall be given and held subject to the conditions endorsed on the reverse and subject to these rules, and subject to the provisions of the Act. Licenses under Rules 9 and 12 may be granted, subject to the observance of a close season in the pursuit of game-birds or animals that do not injure either men, or cattle, or crops. The limits of the close season will be decided by the Chief Commissioner of Mysore, and the condition regarding such close season, if imposed, shall be endorsed on the reverse of the license.

18. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Magistrate, or by any Police Officer in charge of a Police Station, or by any Police Officer of higher rank.

19. Licenses granted for use within a district shall be written or printed in the vernacular language of such district. Licenses for use beyond the district where they may be granted shall be in English and may be in the vernacular as well.

20. A license granted under these rules will cover only the weapons or other articles and the persons named therein, unless the Officer granting a license under Rule 9 or 10 deems it expedient to include the retainers of any person named in the license; in such case the entry on the face of the license shall declare how many and whose retainers are covered by the license.

21. Any officer empowered to grant a license under these rules may, at his discretion, refuse to grant, to renew, or to consent to the issue of, a license, or may refer any application for the orders of the Chief Commissioner.

22. All Magistrates or other authorities acting under these rules will perform their duties, subject to the control of their executive superiors and of the Chief Commissioner.

Form I.

Fee Ten Rupees in Stamps.

License to transport Arms, Ammunition or Military Stores in the Territories of Mysore.

Name, &c., of license-holder and agent, if any, authorized for the purpose of this consignment.	Place of license-holder's business.	Number of packages.	ARMS.		AMMUNITION.		Place of despatch, route and mode of transit.	Time for which pass is valid.	Destination.	Name and residence of consignee.
			Description.	Number.	Description.	No. or weight in seers.				
								From the _____ to the _____ 18 .		

Date on which consent was given by the _____ of the _____ of the _____ where _____ or _____ is the place of consignment _____ place of despatch.

The _____ 18 . The _____ 18 .

Seal.

Form II.

Fee Twenty Rupees in Stamps.

License to manufacture, convert, or sell, or keep Arms, Ammunition, and Military Stores.

Name, &c., of license-holder, and place of residence.	Place of business, factory, and shop.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION AND MILITARY STORES		Date on which license expires.
		To be manufactured.	To be kept and sold.	To be manufactured.	To be kept and sold.	
						The 31st of December 18 .

District, }
18 . }

Seal.

(Signature)

of _____

This licensé is subject to all the provisions of the "Indian Arms Act, 1878," and of the Rules framed thereunder.

This license is void after the expiration of the period named, or if bulk is broken before reaching the place of destination, or if the articles are taken by any route other than is specified on the license.

The contents of each package covered by this license must be described in legible letters on the outside of such package.

The articles covered by this license will be delivered only to persons lawfully entitled to possess the same.

This license must be delivered to the Magistrate of the District to which the articles are consigned, and the articles must be available for exhibition to such Magistrate, within six days of the consignment reaching his district.

The officer granting this license must send a copy thereof on the day of issue to the Magistrate of the District as above described.

This license is given subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder. The special attention of the holder is drawn to Sections 16, 21, 22 and 28 of the Act.

The license-holder shall keep records and accounts of all arms made or converted; of all ammunition manufactured; of all stock in hand, and of all sales in such form as the Local Government may from time to time direct.

The license-holder shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any Police Officer not below the rank of Inspector when such officer may call upon him so to do.

The license-holder shall affix to his shop or place of business a signboard as required by Rule 8, and shall post up in his shop a copy of Section 28 of the Act.

Form III.

Fee Ten Rupees in Stamps.

License to keep and sell Arms, Ammunition, and Military Stores.

Name, &c., of license-holder and residence.	Place of business.	DESCRIPTION OF		Date on which license expires.	
		Arms.	Ammunition and military stores.		
				The 31st of December 18 .	

_____ District. }
 _____ 18 . }

Seal.

(Signature)

_____ of _____

Form IV.

Fee eight annas for each weapon in disarmed districts, four annas for each weapon in other districts—payable in stamps.

License to possess Arms or Ammunition and to go armed for purposes of sport, protection, or display.

Name, &c., of license-holder, with particulars of residence.	No. of retainers, if any, who may be covered by the license (Rule 20).	Description and number of weapons covered by license.	Purpose for which granted.	District or place within which license is valid.	Term for which license expires.
					The 31st of December 18 .

The _____ of _____ 18 . }

Seal.

(Signature)

_____ of the _____

This license is given subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder. The special attention of the holder is drawn to Sections 16, 21, 22 and 28 of that Act.

The license-holder shall keep records and accounts of all arms and ammunition in stock, and of all sales, in such form as the Local Government may from time to time direct.

The license-holder shall exhibit his stock, his records of sales, &c., to any Magistrate, or to any Police Officer not below the rank of Inspector, when such officer may call upon him so to do.

The license-holder shall affix to his shop a signboard as required by Rule 8, and shall post up in his shop a copy of Section 28 of the Act.

This license is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It covers only the persons and the arms named therein, unless it is certified to cover retainers of the holder.

It is void after the date named therein.

It extends only to the place or district named therein, unless countersigned for the whole province by the Commissioner or other superior Officer.

It authorizes the holder or persons acting under it to go armed within the place or district named, for *bona fide* prosecution of the purpose named on the license; but it does not permit the holder or persons aforesaid to go armed in railway carriage, to fairs, religious processions, or other public assemblages.

Form V.

Fee four annas for each weapon payable in stamps for licenses granted in British India; free of all fee for licenses granted by Political Agents to subjects of Native States.

License to go armed—On a journey.

Name, &c., of license-holder, with particulars of his residence.	Number of retainers, if any, who may be covered by the license (Rule 20).	Description of arms and ammunition covered by the license.	Place of departure, route, and destination of journey.	Time which journey will probably take.	Date from which and to which the license is valid.
					From the _____ th of _____ 18 ____ to the _____ th of _____ 18 .

_____ of _____ }
18 . }  (Signature.)
_____ of _____ District.

Form VI.

Free of all fee.

License to possess Arms, Ammunition, or Military Stores in a district which has not been disarmed.

Name, &c., of license-holder, with particulars of residence.	Number and description of weapons.	Description and quantity of ammunition or military stores.	Place with full details where articles are to be kept.	Term for which license is valid.
			From the _____ of _____ 18 ____ to the 31st December of 18 .	

The _____ of _____ 18 . }  (Signature.)
Magistrate of the _____ District.

This license covers only the persons and the arms named therein, unless it is certified to cover retainers of the holder.

It is void after the expiration of the period named therein.

It is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It does not permit holders to go armed in railway carriages, to fairs, religious processions, or other public assemblages.

This license protects only the weapons and articles named, so long as they are kept in the place described on the license.

It does not authorize the holder to go armed or to carry arms.

It is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

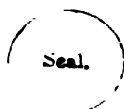
Form VII.

Free of all fee.

License to possess Arms and Ammunition for the purpose of destroying wild animals.

Name, &c., of license-holder, with particulars of residence.	Description of weapon.	Place or tract within which license is valid.	Term for which license is valid.	Title and residence of Magistrate to whom the license and weapon must be shown between the 15th November and the 31st December.
			From the _____ of _____ 18 to the 31st De- cember of 18 .	

The _____ of _____ 18 .



(Signature.)

Magistrate of the _____ District.

Notes of Magistrate to whom the license and weapon are periodically shown.

This license is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

The holder is bound to show his license and weapon once a year to the Magistrate of _____

This license is void if the holder sells his weapon; if it is seized in execution of decree if it is carried to any considerable distance beyond the limits of the places named in the license or if he fails to show it once a year to the Magistrate aforesaid.

It is void on the death of the holder.

The holder must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

The holder is bound to observe a close season as prescribed by the Local Government in respect to the under-mentioned game-birds and animals which do no injury to men, cattle, or crops.

Specification of animals or birds.

Close season.

The 9th January 1880.

No. 40 I.-P.—Whereas by a Declaration signed at Lisbon on the 6th day of August 1879, it was agreed between Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, and His Most Faithful Majesty's Minister and Secretary of State for Foreign Affairs, that the Delegates to whom, under Article XVII of the Treaty of Commerce and Extradition between Her Britannic Majesty and His Most Faithful Majesty, with reference to their Indian possessions, signed at Lisbon on the 26th day of December 1878, is confided the task of preparing the measures requisite for the execution of the Treaty, shall report to the Governors-General of British and Portuguese India at what date their labours will be so far advanced as to allow of the Treaty coming into force, and whereas it was also agreed that the Governors-General aforesaid shall then conjointly determine the date on which the Treaty shall accordingly come into force, and whereas the Delegates aforesaid have made the report directed, it is therefore hereby notified, for general information, that the Governors-General of British and Portuguese India have conjointly determined that the Treaty aforesaid shall come into force on and from 15th day of January in the year of our Lord 1880.

GENERAL.

The 5th January 1880.

No. 17G.-G.—Mr. C. G. W. Hastings, Officiating District Superintendent of Police, Punjab, is placed temporarily on special political duty with the British Force under Lieutenant-General Sir F. S. Roberts, K.C.B., V.C., *vice* Mr. C. Brown.

The 7th January 1880.

No. 35G.-G.—The services of Mr. G. A. Pat-ten, Officiating Assistant Superintendent of Police, Serajunge, Pubna, transferred to the Foreign Department by the Government of Bengal, in Notification dated 22nd December 1879, are placed at the disposal of the Home, Revenue and Agricultural Department.

The 9th January 1880.

No. 55G.-G.—APPOINTMENT.—Major H. P. Peacock, Political Agent, 2nd Class, substantive *pro tempore*, and Agent to the Governor-General at Moorshedabad, on privilege leave, is transferred to Alwar.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Port William, the 20th December 1879.

No. 2037.—Read again—

Accounts Proceedings for June 1870, Nos. 59 and 60.

„ „ for January 1874, No. 16.

RESOLUTION.—By Notification No. 167, dated 16th May 1870, a system of District Savings Banks was established, the yearly rate of interest on deposits therein being fixed at $3\frac{3}{4}$ per centum, and the monthly rate at one pie for each Rupee $1\frac{3}{4}$.

2. The market rate of interest being now higher, the Governor General in Council notifies that, with effect from the 1st January 1880, the monthly rate of interest on deposits in District, Presidency and Military Savings Banks shall be one pie for each $1\frac{1}{2}$ Rupee, which is equal to Rs. $4\frac{1}{8}$ per centum per annum. As this rate is now fixed in supersession of a lower rate, so it must be plainly understood that the Governor General in Council reserves the right of reducing the rate thus fixed again at any time at his discretion, and that it will not be open to any Depositor to object to such reduction.

3. Moreover, the Governor General in Council deems it expedient to dispense with the restrictions of the existing Rules as to personal attendance and as to the hours for the transaction of business with the Savings Banks.

4. Accordingly, the Governor General in Council has passed the following Rules for District and other Government Savings Banks, revoking all previous Rules :—

I.—In these Rules—

“Depositor,” “Deposit,” and “Secretary” bear the meaning which they bear in *The Government Savings Bank Act, 1873*.

“Account” means the account of a Depositor in a Government Savings Bank.

“Balance” means the balance at credit of an account.

II.—Any person may become a Depositor on his own behalf, or on behalf of any other person. Deposits may also be made by the managers of benevolent or other public Associations, or by public Officers, of money deposited with

them *ex-officio* as security for the discharge of any public duty or for the fidelity of any public Officer, or for the accomplishment of any public object.

III.—Subject to the provisions of these Rules, the Government of India guarantees the repayment of every deposit with interest.

IV.—Without the special or general sanction of the Governor General in Council, no account will be opened for less than One Rupee; and no person may deposit more than Five Thousand Rupees, in all, between any 1st of April and the 31st March next following.

V.—Interest will not be allowed upon a smaller balance than $1\frac{1}{2}$ Rupee, or upon the excess in any balance over the highest multiple of $1\frac{1}{2}$ Rupee.

VI.—Interest will be allowed from the beginning of the calendar month succeeding that in which a deposit is made, to the end of the month preceding that in which it is withdrawn.

VII.—From the 1st January 1880, till further notice, interest will be allowed upon deposits at the rate of one pie a month for every $1\frac{1}{2}$ Rupee, which is equal to one anna for every Rs. 18, or one Rupee for every Rs. 288, being at the rate of Rs. $4\frac{1}{8}$ per centum per annum. Saving with the special or general sanction of the Governor General in Council, the highest monthly interest allowed upon any balance shall be Rs. $17\frac{1}{3}$.

VIII.—On the written request of any Depositor, his balance, or any part of it, will be invested by the Comptroller General in his own name in trust for, and at the risk of, the Depositor at current market rates, in stock of any Loan which he may specify; if no particular loan is specified, then stock of one of the Four Per Cent. Loans will be bought. The stock thus bought will be held by the Comptroller General on the Depositor's account, the interest thereon, less a commission of one-quarter per cent., being added to his deposit, on advice from the Comptroller General, and entered in his Deposit Book, the first time that it is subsequently presented. Stock held on account of a Depositor will, on his written request, be sold, and the proceeds added to his Deposit, or, if he desires it, will be converted into notes and delivered to him. A commission of $\frac{1}{4}$ per cent. will be charged upon such purchases, sales and deliveries.

IX.—Every account will be made up on the 31st March, and the interest then due, calculated under these Rules, added to the balance upon which future interest will accrue. If an account is closed on any other date, interest due to the end of the preceding calendar month will be paid to the Depositor: but a Depositor who closes an account should not, ordinarily, be permitted immediately to re-open it, except on payment of a fine varying at the discretion of the Secretary from One to Ten Rupees.

X.—An account may be transferred free of charge to any other Government Savings Bank.

XI.—A Deposit Book will be supplied to each Depositor in which the Secretary, or, if the Savings Bank is at a public Treasury, the Treasury Officer, will acknowledge every deposit. The personal attendance of a Depositor is not required; but no deposit will be received or payment made without the Depositor's Deposit Book, and the Government will not be responsible for any deposit the receipt of which is not acknowledged in a Deposit Book. The interest due to date will be entered in each Deposit Book the first time that it is produced after the 31st March. The first Deposit Book will be supplied free of charge; but if a Deposit Book is lost or injured, or if a closed account is re-opened, One Rupee will be charged for a new book.

XII.—A Depositor may not operate frequently upon his account as if it were an ordinary banking account, or open more than one account in his own name or in the name of any member of his family, or for his own benefit or the benefit of any member of his family. The Comptroller General must take precautions to prevent any transgression of this Rule, and, in particular, any employment of an account as an ordinary drawing account. This Rule is not meant to prevent any one from opening more than one *ex-officio* or public account.

XIII.—The Secretary may refuse to open any account or may close any account, for any sufficient reason, as, for example, because he thinks that the account is likely to be used or is being used contrary to the object with which Government Savings Banks are established, namely, the encouragement of saving. But every such refusal or closure, and the reasons for it, should be reported to the Comptroller General.

XIV.—When the Secretary thinks it proper to close any account, he shall give notice, in writing, to the Depositor, of such closure. After the date of such notice, no deposit shall be accepted on the account so closed, and no interest shall be allowed upon the balance of the closed account after the end of the calendar month then current.

XV.—These Rules apply as well to accounts opened before as after their publication.

XVI.—The Governor General in Council reserves the right to alter or add to these Rules at any time.

XVII.—A copy of the Government Savings Banks Act, 1873, and of these Rules, shall be printed in each Deposit Book, and the signature, or, if he cannot read, mark of the Depositor, obtained to the annexed declaration before any deposit is accepted from him.

Declaration to be recorded in accordance with Rule XVII.

I acknowledge that I have read these Rules (or, if he cannot read, that these Rules have been read to me).

Dated

Table of Monthly Interest.

Principal.	Monthly interest.	Principal.	Monthly interest.	Principal.	Monthly interest.
Rs.		Rs.		Rs.	
1½	Pies 1	15	Pies 10	144	Annas 8
3	2	16½	11	162	9
4½	3	18	Annas 1	180	10
6	4	36	2	198	11
7½	5	54	3	216	12
9	6	72	4	234	13
10½	7	90	5	254	14
12	8	108	6	270	15
13½	9	126	7	288	One Rupee

ORDERED, that this Resolution be communicated to the Comptroller General, who will issue any needful supplementary instructions.

Ordered also, that this Resolution be published, for general information, in the *Gazette of India*.

The 9th January 1880.

No. 110.—Read the following correspondence on the subject of the wastage allowance on salt shipped from one British Indian port to another :—

Letter from the Department of Revenue, Agriculture and Commerce, to the Government of Madras, No. 145, dated the 23rd May 1878.

Letter from the Government of Madras, to the Department of Revenue, Agriculture and Commerce, No. 1998, dated the 12th December 1878, and enclosures.

Letter to the Governments of Bombay and Bengal, Nos. 14 and 15, dated the 11th January 1879.

Letter from the Government of Bombay, No. 1333, dated the 12th March 1879, and enclosures.

Endorsement from the Government of Bengal, No. 139T., dated the 17th May 1879, and enclosures.

Letter to the Government of Bombay, No. 194, dated the 31st May 1879.

Letter from the Government of Bombay, No. 3342, dated the 25th June 1879, and enclosures.

Letter from the Government of Madras, No. 1512, dated the 19th July 1879, and enclosures.

Letter from the Government of Bombay, No. 6461, dated 2nd December 1879.

RESOLUTION.—By its letter No. 145, dated the 23rd May 1878, the Government of India, acting upon the recommendation in paragraph 217 of the Report of the Madras Salt Commission, prohibited the allowance of wastage on salt exported from Madras ports into other parts of British India.

2. The Government of Madras has now pointed out that, in the Bombay Presidency, wastage is allowed on exports of salt to Calcutta, and that the procedure should be the same in both Presidencies. On this reference, the question arose whether the Bombay system should be discontinued, or extended to Madras. The authorities in Bombay are strongly in favor of its continuance; and the Governor General in Council is of opinion that the arguments in

support of the system are valid, and that injury to the trade would result from its abandonment: as worked in Bombay, it does not appear to involve any risk to the Revenue. The main features of the Bombay system are as follows:—

- (1.)—Full duty, at Bombay rates, is levied on the salt sold, before removal from the works, with an allowance of 5 per cent. for wastage.
- (2.)—On shipment, the salt is re-weighed, and full duty on the quantity by which the re-weighment may fall short of the first weighment, recovered from the wastage allowance.
- (3.)—The Customs authorities in Calcutta levy the difference between the Bengal and Bombay rates of duty on 95 per cent. of the salt removed from the works, and full Bengal duty on any excess landed.
- (4.)—Wastage is allowed only on salt shipped in square-rigged vessels at Bombay and Kurrachee for export to Calcutta.

3. The Governor General in Council authorises the extension of this system to shipments of salt from Bombay and Kurrachee to the port of Madras and to any other ports in the Madras Presidency where, in the opinion of His Grace the Governor in Council, the Preventive Establishments are maintained on such a footing that no loss to the revenue may be apprehended from their inefficiency or dishonesty.

4. In connection with the question thus, provisionally, settled, the Governor General in Council has reviewed the present practice by which duty is levied in advance on salt shipped from Bombay to other parts of British India.

5. It appears to the Government of India that the advantages claimed for this precaution are more than counterbalanced by the heavy burden which it imposes upon the salt trade. Public policy requires that no restrictions, which can be dispensed with without danger to the revenue, should be placed upon the movement of salt: the duty is necessarily a heavy weight on the trade, and any fiscal arrangement that aggravates the burden is *primâ facie* a grave evil.

6. The prepayment of duty in Bombay does not seem to be essential for the protection of the revenue, which may be adequately safe-guarded by the exaction of a bond before the removal of the salt.

7. His Excellency in Council has accordingly resolved that duty need not, in future, be levied on salt removed in bags, for shipment, by a square-rigged vessel from Bombay or Kurrachee to Calcutta, Madras, or such other ports in the Madras Presidency as may be named by the Government of that Presidency, and that, subject to the reservation in paragraph 8, such shipment shall be permitted under the following Rules:—

- (i)—Before salt is thus removed for shipment, the owner shall bind himself to pay duty, at the rate at which duty is levied upon salt at the port of export, upon any weight by which the salt may, on weighment into the vessel, be found to fall short of the weight removed for shipment.
- (ii)—The owner shall also bind himself to pay duty at the rate at which duty is levied upon salt at the port of import on all the salt actually discharged at such port and on all the deficiency in weight in excess of the authorised allowance for wastage.
- (iii)—The whole cargo shall be hypothecated under the bond, which shall further provide for the delivery of the cargo at the port of import by a fixed date.

8. The Customs authorities at the port of shipment may, at their discretion, require the bond of some second person of substance, or even withhold the privilege of shipment under bond in any case in which they may find sufficient reason for doing so. But, as salt thus shipped under bond cannot be consumed without the payment of duty, the deposit of Government paper as security will not, ordinarily, be necessary, and no other such onerous conditions should be imposed as to neutralise the advantage to the trade of the present concession, which the Customs authorities should carefully endeavour to secure for it.

9. Duty may, however, be levied as at present, if the owner of the salt voluntarily prefers so to pay it, to binding himself under the rules contained in paragraph 7.

ORDERED, that the foregoing Resolution be published in the *Gazette of India*, and forwarded, for information and guidance, to the Governments of Madras, Bombay, and Bengal.

The 10th January 1880.

No. 128.—The Governor General in Council has made the following rules for the encouragement of savings by public servants employed on state railways open to public traffic:—

State Railway Savings Bank Rules.

I.—In these rules, unless there be something repugnant in the subject or context—

- (a) "State Railway" means a state railway open to public traffic:
- (b) "Manager" means the manager or other chief officer of a state railway:
- (c) "Salary" means monthly salary, and does not include overtime, batta, travelling, personal, or other fluctuating or extra allowances:
- (d) "Servant" means a public servant serving on the permanent or temporary establishment of a state railway,
 - (i) who is not a commissioned military officer or an officer of the Superior Engineer or Account Establishment of the Public Works Department;
 - (ii) whose salary is not less than Rs. 15;
 - (iii) who is not serving under a special covenant; or, if he is so serving, has, nevertheless, signified, in writing, his desire to be admitted to the benefits of these rules; and,
 - (iv) who joins the public service in the State Railway Department, after the 1st February 1880; or, if he have joined earlier, either is promoted after that date, or signifies, in writing, his desire to be admitted to the benefits of these rules:
- (e) "Savings Bank" means a Government Savings Bank opened under Rule II:
- (f) "Depositor" means a servant by or on whose behalf a deposit is made under these rules:
- (g) "Deposit" means a deposit in a Savings Bank:
- (h) "Interest" includes compound interest:
- (i) "Compulsory Deposit" means a deposit made under Rule III or XII with the interest accruing thereon:
- (j) "Bonus" means a bonus added to a deposit under Rule VII, with the interest accruing thereon:

II.—A Government Savings Bank, of which the manager shall be Secretary, shall be opened in the office of every manager.

III.—With effect from the 1st January 1880, each manager shall deduct and withhold the following sums from the salary of every servant employed under him and deposit them in the Savings Bank on behalf of the said servant, namely—

- (a) From each Rupee of the salary of every married servant, or widower with children dependent on him, not being of purely Asiatic descent, and of any other servant who may in writing so desire, the manager shall deduct one anna:
- (b) From each Rupee of the salary of every other servant the manager shall deduct half-an-anna.

IV.—As soon as the Revenue Account of a State Railway for a half-year is made up, one-half per centum of the ascertained net earnings during the half-year, shall, subject to the proviso in Rule V, at the discretion of the Government, and till further orders, be provisionally distributed as bonus among the depositors of the railway, in proportion to the compulsory deposits made on their behalf during the said half-year.

V.—If the net earnings of the whole calendar year exceed $4\frac{1}{2}$ per cent. upon the capital cost of the railway, an additional one-half per centum, making, in such case, one per centum of the net earnings for the whole year, shall be provisionally distributed in like manner, and subject to the same conditions. Provided that the bonuses distributed among the depositors of any railway in one year or half-year shall in no case exceed the compulsory deposits on their behalf during the same period.

VI.—If the bonus calculated under Rule IV appears to the Government, in any case, insufficient, the Government of India will deal with the case specially according to its discretion; but subject always to the proviso in Rule V.

VII.—Any bonus accruing to a depositor under Rule IV, V or VI shall be added, provisionally, to his deposits; but such bonuses and all interest provisionally accruing thereon, shall be shewn in a separate column in his deposit-book, and shall be subject to the condition prescribed in Rule XIV.

VIII.—A servant may, at his discretion, make other deposits in the Savings Bank besides the compulsory deposits made on his behalf. Such voluntary deposits and the interest accruing thereon will be entered in a separate column in the depositor's deposit-book, and held at his free disposal under the ordinary Government Savings Bank Rules.

IX.—Deposits shall be subject to all the rules as to interest, and to all other conditions affecting ordinary deposits in Government Savings Banks, excepting that neither deposits nor interest shall be limited to any maximum amount.

X.—Saving with the particular sanction of the Director General of Railways, no compulsory deposit or bonus shall be withdrawn, excepting—

- (i) on the decease of the depositor,
- (ii) on his leaving the Public Service,
- (iii) with the permission of the manager, under Rule XI.

XI.—On the manager being satisfied that the pecuniary circumstances of a depositor are such that the indulgence is absolutely necessary, the compulsory deposits of the depositor, and, if they do not suffice, his bonuses, or any part of his compulsory deposits or bonuses, may be withdrawn, temporarily, to pay for the passage of the depositor or any member of his family proceeding to Europe on medical certificate, or returning after such absence, or of any member of the depositor's family coming from Europe to join him.

XII.—In addition to the compulsory deductions under Rule III, the manager shall withhold from the salary of such depositor, and deposit again in the Savings Bank, one-twentieth part of any sum withdrawn under Rule XI. Such deduction shall be made whenever full salary is drawn, until the whole is refunded.

XIII.—When a Deposit Account is first opened, the depositor shall be required to record in his deposit-book under his signature, and in his own handwriting, the names of any person or persons whom he believes to be his next-of-kin, or to whom he has bequeathed the whole or any portion of his deposits. The depositor should be invited to initial or revise this record half-yearly.

XIV.—If a depositor is dismissed from the public service, the manager may, with the sanction of the Director General of Railways, withhold all or any part of the bonuses provisionally allotted to him with the interest accrued thereon, and pay to the depositor only the balance at his credit without such bonuses and the interest thereon.

XV.—Any bonus and interest withheld from a dismissed depositor under Rule XIV shall be distributed among the depositors of the railway on which he served, with the next bonus granted to them.

No. 92.—In exercise of the powers conferred by Sections 9 and 56 of the Indian Stamp Act, 1879, the Governor General in Council directs that the stamp duty chargeable on the instruments mentioned in Article 61 of the First Schedule shall be paid by means of stamped labels under Rules 6, 7 and 8 of the Rules promulgated by Notification No. 196, dated 19th April 1879.

No. 117.—Mr. Edward Woodfield Collin, B.A., Bengal Civil Service, is appointed to be Private Secretary to the Honourable Sir John Strachey, G.C.S.I., C.I.E., Member of the Governor General's Council.

No. 121.—Mr. E. F. Harrison, Comptroller General, having been permitted by the Secretary of State to retire from the public service, the following appointments have been made, with effect from the 3rd January :—

Mr. William Waterfield, Bengal Civil Service, to be Comptroller General and Head Commissioner of the Department of Issue of State Paper Currency.

Mr. Edwin Felix Turner Atkinson, Bengal Civil Service, to be Accountant General for the N.-W. Provinces and Oudh and Deputy Commissioner of the Department of Issue of State Paper Currency at Allahabad.

Mr. Thomas William Rawlins, Bengal Civil Service, to be Accountant General for the Punjab and Deputy Commissioner of the Department of Issue of State Paper Currency at Lahore.

Mr. David Miller Barbour, Bengal Civil Service (*on leave*), to be Accountant General for Madras and Commissioner of the Department of Issue of State Paper Currency at Madras.

Mr. Alfred Cotterell Tupp, Bengal Civil Service, to be Deputy Accountant General, Madras, continuing to officiate as Accountant General, Madras, and Commissioner of the Department of Issue of State Paper Currency at Madras.

Mr. Edward Simpson Byrne, who, under orders dated 29th December 1879, was appointed to be Deputy Accountant General, Bombay, *substantive pro tempore*, is confirmed in that appointment.

R. B. CHAPMAN,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 9th January 1880.

APPOINTMENTS AND PROMOTIONS.

No. 24.—COLONEL'S ALLOWANCE—

The under-mentioned Officers of the Bengal Staff Corps, having completed twelve years' service in the rank of Lieutenant-Colonel, are admitted to the Colonel's allowance, with effect from the date specified, under the operation of G. G. O. No. 808 of 1866, paragraph 61, clause 5 :—

Lieutenant-Colonel (Brevet Colonel) Thomas Wright, C.B.	} 8th January 1880.
Lieutenant-Colonel (Brevet Colonel) George Byres Mainwaring.	

No. 25.—STAFF CORPS—

The under-mentioned Officer of the Bengal Staff Corps, having completed 26 years' service, is

promoted to the rank of Lieutenant-Colonel from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Major (Brevet Lieutenant-Colonel) Maunsell Mark Prendergast.	} 4th January 1880.

No. 26.—The under-mentioned Officers having completed twelve years' service, including four years in the Staff Corps, are promoted to the rank of Captain from the dates specified, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Lieutenant Richard Kirby Ridgeway, Bengal Staff Corps,	} 8th January 1880.
Lieutenant Geoffrey Lawrence Eliot, Bengal Staff Corps,	
Lieutenant Cathcart William Monypenny, Bengal Staff Corps,	
Lieutenant James Beverly Lynch, Bengal Staff Corps,	
Lieutenant Robert Gordon, Bengal Staff Corps,	
Lieutenant Charles Andrew Coles, Bengal Staff Corps,—9th January 1880.	

No. 27.—INDIAN ARMY—

The under-mentioned Officers having completed 20 years' service, are promoted to the rank of Major from the date specified, subject to Her Majesty's approval :—

Captain Henry Edgecumbe Eliot, General List, Infantry.	} 4th January 1880.
Captain Alfred Reginald Wilkinson, General List, Infantry.	
Captain Francis Henry Thomas, General List, Infantry.	
Captain Charles Owen Wynne Apperley, General List, Infantry.	

No. 28.—LONDON GAZETTE—

The following extracts are published for general information :—

"London Gazette," dated the 2nd December, 1879, page 7159.

WAR OFFICE, PALE MALL,
2nd December 1879.

BREVET.

The Queen has been graciously pleased to approve of the following promotion being conferred upon the under-mentioned Officer in recognition of the distinguished Service rendered by him during his employment on special duty in Persia :—

Captain the Honourable George Campbell Napier, C.I.E., Bengal General List (Infantry), to be Major. Dated 3rd December, 1879.

"London Gazette," dated the 9th December, 1879, page 7266.

INDIA OFFICE,
8th December, 1879.

The Queen has approved of the retirement from the Service of the following Officers of Her Majesty's Indian Military Forces :—

Lieutenant-Colonel and Brevet Colonel John James Hume, of the Bengal Staff Corps.
Dated 1st September, 1879.

Lieutenant-Colonel and Brevet Colonel William Carnell, of the Bengal Staff Corps. Dated 8th October, 1879.

Lieutenant-Colonel and Brevet Colonel Robert Davidson, of the Bengal Staff Corps. Dated 21st November, 1879.

Lieutenant-Colonel and Brevet Colonel Francis Wynne Alexander Robson, of the Madras Staff Corps. Dated 18th October, 1879.

Lieutenant-Colonel and Brevet Colonel James Langford Pearse, of the Madras Staff Corps. Dated 25th November, 1879.

Lieutenant-Colonel and Brevet Colonel George Charles Eveyard, of the Bombay Staff Corps. Dated 1st December, 1879.

Lieutenant-Colonel and Brevet Colonel John Bates, of the Bombay Staff Corps. Dated 3rd December, 1879.

Lieutenant-Colonel William Siddons Young, of the Bengal Staff Corps. Dated 1st October, 1879.

Lieutenant-Colonel Henry Twisden Forbes, of the Bengal Staff Corps. Dated 15th October, 1879.

Lieutenant-Colonel Ellis Burroughes Ward, of the Bengal Infantry. Dated 1st October, 1879.

Lieutenant-Colonel Alexander William Crawford Lindsay, of the Madras Staff Corps. Dated 1st November 1879.

Lieutenant-Colonel William Thomas Mills, of the Bombay Staff Corps. Dated 20th November, 1879.

Deputy Surgeon-General Edward Courtenay Thorp, M.D., of the Bengal Army. Dated 20th October, 1879.

BREVET.

The under-mentioned officers have been granted a step of honorary rank on retirement :—

To be Major-Generals.

Lieutenant-Colonel and Brevet Colonel John James Hume, of the Bengal Staff Corps. Dated 1st September, 1879.

Lieutenant-Colonel and Brevet Colonel William Carnell, of the Bengal Staff Corps. Dated 8th October, 1879.

Lieutenant-Colonel and Brevet Colonel Robert Davidson, of the Bengal Staff Corps. Dated 21st November, 1879.

Lieutenant-Colonel and Brevet Colonel Francis Wynne Alexander Robson, of the Madras Staff Corps. Dated 18th October 1879.

Lieutenant-Colonel and Brevet Colonel James Langford Pearse, of the Madras Staff Corps. Dated 25th November 1879.

Lieutenant-Colonel and Brevet Colonel George Charles Eveyard, of the Bombay Staff Corps. Dated 1st December, 1879.

Lieutenant-Colonel and Brevet Colonel John Bates, of the Bombay Staff Corps. Dated 3rd December 1879.

To be Colonels.

Lieutenant-Colonel William Siddons Young, of the Bengal Staff Corps. Dated 1st October 1879.

Lieutenant-Colonel Henry Twisden Forbes, of the Bengal Staff Corps. Dated 15th October, 1879.

Lieutenant-Colonel Ellis Burroughes Ward, of the Bengal Infantry. Dated 1st October 1879.

Lieutenant-Colonel Alexander William Crawford Lindsay, of the Madras Staff Corps. Dated 1st November 1879.

Lieutenant-Colonel William Thomas Mills, of the Bombay Staff Corps. Dated 20th November, 1879.

To be Surgeons-General.

Deputy Surgeon-General Robert Cookburn, of the Bengal Army. Dated 20th August, 1879.

Deputy Surgeon-General William Williamson, of the Madras Army. Dated 5th August, 1879.

The Queen has approved of the following admissions to the Staff Corps made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant John Franklin Worledge, 45th Foot. Dated 28th February, 1874.

Lieutenant Charles James Orr, 14th Foot. Dated 23rd June, 1875.

Lieutenant Alexander Edward Pelham Burn, 68th Foot. Dated 21st September, 1875.

Lieutenant Herbert Mansfield, 83rd Foot. Dated 20th November, 1875.

ERRATA.

* * *

BENGAL STAFF CORPS.

The date of Lieutenancy of Sub-Lieutenant Walter Cook, 89th Foot, whose admission to the Staff Corps is notified in the "London Gazette" of November 14, 1879, is 18th September 1875.

No. 29.—PUNJAB FRONTIER FORCE—

4th Punjab Infantry.

Lieutenant A. Daniell, to be Wing Officer, with effect from the 24th April 1879, *vice* Captain A. I. Shepherd, seconded.

Lieutenant G. W. C. Bruce, to be Wing Officer, on probation, with effect from the 31st May 1879, *vice* Captain A. Gaselee, seconded.

This cancels G. G. O. No. 1101 of 1879.

No. 30.—ORDNANCE DEPARTMENT—

Magazine Sergeant (Temporary Sub-Conductor) Joseph Edward Newell, to be Sub-Conductor, on probation, with effect from the 6th December 1879, *vice* Sub-Conductor W. Traynor, pensioned.

No. 31.—SUBORDINATE MEDICAL DEPARTMENT—

The under-mentioned candidates having passed the prescribed examination, and been pronounced qualified for the Subordinate Medical Department, are admitted as Hospital Apprentices, with effect from the 15th October 1879 :—

1. Henry William Campbell.
2. Alfred Henry Slater.
3. Michael Galvin.
4. George Oswald Weston.
5. Harry William DeLanty.
6. Alfred Greenwood.
7. Arthur John Archer.
8. James Alfred Stott.
9. Edwin Samuel Thomas Cotton.
10. William Daniel Neal.
11. Cecil Eugene Olliver.

No. 32.—VOLUNTEER CORPS—*Calcutta Volunteer Rifle Corps.*

Mr. William Dickson Cruickshank, to be Major, *vice* Major Gordon Robb, deceased.

Eastern Bengal Railway Volunteer Rifle Corps.

Captain James Brander, to be Major Commandant, *vice* Major Franklin Prestage, resigned.

FURLOUGH AND LEAVE.

No. 33.—The under-mentioned Officers are granted furlough out of India, with the necessary subsidiary leave:—

Major T. T. Carter, R.E., Deputy Superintendent, 2nd grade, Survey of India,—(m. c.) for two years—forty-nine days under Rules IX and XV, and the remaining period under Rule XIV, Clause 2, of the Regulations of 1868.

Major E. G. Lillingston, S.C., Deputy Commissioner, 3rd grade, Officiating 2nd grade, Bengal,—(p. a.) for one year, under Rule IX of the Regulations of 1868.

Captain (Brevet Major) the Hon'ble G. C. Napier, C.I.E., General List, Infantry, Assistant Commissioner, 3rd class, Punjab, on special duty, Foreign Department,—(p. a.) for one year, under Rule IX of the Regulations of 1868.

Lieutenant A. G. B. Ternan, S.C.,—(m. c.) for one year, under Rule VI of the Regulations of 1875.

Honorary Lieutenant and Deputy Assistant Commissary W. Willson, Office of the Adjutant General in India,—(m. c.) under the Regulations of 1875.

Surgeon-Major E. Bonavia, M.D.,—(m. c.) for two years, under Rules IX and XV of the Regulations of 1868.

No. 34.—Conductor R. Hardaker, Army Remount Department, is granted leave,—(m. c.) in India for one hundred and eighty-two days, under Rule X of the Regulations of 1875, with effect from the 11th December 1879. The first sixty days will be on full staff pay, under subsidiary Rule III of G. G. O. No. 1316 of 1875.

No. 35.—The following extracts from Lists Nos. 49 and 50, dated the 5th and 12th December 1879, respectively, received from the India Office, are published for general information:—

Permitted to return to duty.

Lieutenant J. C. F. Gordon, S.C.

Captain J. H. C. G. Lassalle, General List, Infantry.

Lieutenant-Colonel H. A. Mallock, S.C.

Colonel C. Batchelor, Cavalry.

Sub-Conductor G. M. Wray.

Lieutenant T. H. Eyre, S.C.

Granted extensions of leave.

Lieutenant-Colonel G. W. Holdsworth, Infantry,—six months, medical certificate.

Major A. Bloomfield, S.C.,—six months, private affairs.

RETIREMENTS.

No. 36.—Major Linley Blathwayt, S.C., is permitted to retire from the service, with effect from the 12th January 1880, subject to Her Majesty's approval.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

MILITARY DEPARTMENT.**NOTIFICATION.**

Calcutta, the 8th January 1880.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the under-mentioned Commissioned Officer, on the date specified, was received in the Military Department from 1st to 8th January 1880:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Bengal Staff Corps	Captain G. J. Hare	5th Jan. 1880	Safed Sung, Afghanistan.		

Statement of Deposits on account of Estates from 1st to 8th January 1880.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
BRITISH MILITARY SERVICE. Lord C. Ossulston (a) •	Lieutenant	4th Battalion, Rifle Brigade.	29th June 1879	Not known	Rs. A. P. 4,614 11 1		8th March 1880.

(a)—*Nest-of-kin*—Father, the Earl of Tankerville, Chillingham Castle, Alnwick, Northumberland, England.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India

PUBLIC WORKS DEPARTMENT.**NOTIFICATIONS.—ESTABLISHMENT.**

Fort William, the 6th January 1880.

No. 1.—Captain E. A. Trevor, R.E., Examiner of Accounts, Military Works, was granted privilege leave for twenty-one days, *viz.*, from 27th September 1879 to 17th October 1879, both days inclusive.

No. 2.—Colonel W. S. Trevor, V.C., R.E., Chief Engineer, 2nd Class, and Secretary to the Chief Commissioner, British Burmah, Public Works Department, is, on return from furlough, temporarily attached to the Office of the Secretary to the Government of India, Public Works Department, which he joined on the forenoon of the 31st December 1879.

No. 3.—In continuation of Public Works Department No. 470, dated 14th November 1879, Mr. F. L. O'Callaghan, Superintending Engineer, 3rd Grade (temporary rank), is appointed Engineer-in-Chief of the Rawalpindi-Peshawar Section of the Punjab Northern State Railway, *vice*

Colonel J. Bonus, R.E., Superintending Engineer, 1st Grade (temporary rank), transferred to the Peshawar-Jellalabad Section of the same Railway, in Public Works Department Notification No. 478, dated 19th November 1879.

The 7th January 1880.

No. 4.—With reference to Public Works Department Notification No. 462 of 13th November 1879, Mr. J. S. Thorpe, Assistant Secretary to the Government of India, Public Works Department, rejoined his appointment on the 1st January 1880, forenoon.

The 9th January 1880.

No. 5.—Captain H. S. F. Haynes, R.E., attached temporarily to the Office of Examiner of Guaranteed Railway Accounts at Calcutta, is appointed to officiate as Deputy Consulting Engineer for Guaranteed Railways at Lucknow during the absence of Lieutenant F. T. Maxwell, R.E., or other duty, or until further orders.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 10, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid in advance.

	Rs.	A.	P.
Subscription for <i>Gazette</i> and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the <i>Gazette</i>	0	8	0
For a single copy of the Supplement	0	8	0
Postage on single copies varies according to weight.			

E. J. DEAN,
Publisher, Gazette of India.

HIGH COURT.

NOTIFICATION.

Calcutta, the 5th January 1880.

The following Rule made by the High Court of Judicature at Fort William in Bengal, under the provision of Section 3 of Act III of 1879, having, pursuant to Section 5 of that Act, been confirmed by the Local Government and sanctioned by the Governor General in Council, is published for general information.

R. BELCHAMBERS,
Registrar.

With the exception of documents of title relating to immoveable property, Powers-of-Attorney under which any such document may have been executed, Probates, Letters of Administration, and the record of judgments,

the Judges of the Calcutta Court of Small Causes may from time to time, by an order in writing signed by them, direct the destruction of any record, book, or paper belonging to or in the custody of the Court, relating to any particular suit or matter finally disposed of. Provided that no such order shall be made for the destruction of any such record, book, or paper, unless the same shall have been in the custody of the Court for not less than ten years.

RICHARD GARTH.
CHARLES PONTIFEX.
W. AINSLIE.
G. G. MORRIS.
ROMESH CHUNDER MITTER.
W. F. McDONELL.
H. T. PRINSEP.
A. WILSON.
L. BROUGHTON.
L. R. TOTTENHAM.

NOTICE TO MARINERS.

No. 1 of 1880.

AFRICA—EAST COAST.
ZANZIBAR HARBOUR.

Prohibited Anchorage near Telegraph Cables.

The Government of Zanzibar has given notice, that in order to afford protection to the shore ends of the two Telegraph cables in Zanzibar harbour, which are laid down from Bawi island to Rás Shangani, the following restriction as to anchoring in their vicinity is to be complied with:—

The general line of direction of the Telegraph cables is indicated by the beacon (marked 'cable') on Rás Shangani in line with the white mark on the English jail; and as one of these cables is laid on each side of this line of direction—Mariners are cautioned on no account to anchor, between

island and Rás Shangani, within 200 yards on either side of the line indicated by the beacon and white mark.

By Direction of the Government of India,
R. C. CARRINGTON,
In charge of Office,
 for **A. DUNDAS TAYLOR, Comdr. (late I.N.),**
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey }
 Department ;
The 3rd January 1880. }

This Notice affects the following :—

BRITISH ADMIRALTY Chart, No. 665, and Africa Pilot, Part III, 1878, page 342.

Also Taylor's Sailing Directory, Vol. I, page 100.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 3rd January 1880.

Offices opened and closed during the month of December 1879 :—

Name of Station.	Where situated.	Date.	REMARKS.
*Delhra	N.-W. Provinces	18th	Re-opened.
Derguon	Assam	13th	Closed.
Dozan	Beluchistan	25th	Ditto.
Hangu	Punjab	7th	Opened.
Hussan Abdool	Ditto	24th	Ditto.
*Kalka	Ditto	13th	Closed.

* Season Offices.

No. 24.—Mr. J. J. Allen, an Assistant Superintendent of the 1st Grade, is allowed subsidiary leave for twelve days, under Section 35 of the Civil Leave Code, with effect from the forenoon of the 17th December 1879, to enable him to join appointment on return from furlough.

R. MURRAY, Colonel,
Dir. Genl. of Tels. in India.

ACCOUNTANT GENERAL'S OFFICE, Public Works Department.

NOTIFICATIONS.—ESTABLISHMENT.

Fort William, the 31st December 1879.

No. 4.—With reference to Public Works Department Notification No. 405, dated 9th October 1879, Mr. B. G. Macdonald assumed charge of his duties as Assistant Accountant General on the forenoon of the 1st December 1879.

The 8th January 1880.

No. 3.—With reference to Government of India, Public Works Department, Notification No.

319, dated 8th August 1879, Mr. J. W. Wilkinson, Deputy Examiner, 1st Grade (temporary rank), was relieved of his duties in the Office of the Accountant General on the afternoon of the 9th August 1879, and resumed them on the afternoon of the 6th October 1879.

A. J. FILGATE, Major, R.E.,
Offg. Acctt. Genl.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 3rd January 1880.

No. 5.—Lieutenant E. S. Masters, Officiating Adjutant, Bhopal Battalion, held charge of the Sehore Treasury, in addition to his own duties, from the afternoon of the 15th November to the afternoon of the 20th December 1879, during the absence on duty of the Political Agent, Bhopal.

D. W. K. BARR,
1st Asstt. Agent, Govr. Genl.,
for Central India,
In charge of the Residency.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATION.—ESTABLISHMENT.

Indore, the 6th January 1880.

No. 1.—Baboo Gyan Chunder Roy, Assistant Engineer, 2nd Grade, has been transferred from the Neemuch Division to the Bundelcund Road Division, and joined the latter on the afternoon of 3rd instant.

By Order,
L. RUSSELL, Colonel, R.E.,
Secy. to Agent, Govr. Genl.,
for Central India.

PUBLIC WORKS DEPARTMENT— Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 2nd January 1880.

No. 1.—With reference to Inspector General's Notification No. 99 of 24th December 1879, Major A. C. Padday, R.E., Executive Engineer, 1st Grade, is posted to the Ranikhet Division, Military Works, to relieve Major J. Birney, R.E., Executive Engineer, 1st Grade.

No. 2.—With reference to Inspector General's Notification No. 97 of 18th December 1879, Lieutenant J. T. Johnston, R.E., Assistant Engineer, 1st Grade (temporary rank), is posted to the Agra Division, Military Works, to relieve Captain Ward, B.S.C., Executive Engineer, 4th Grade (temporary rank).

G. P. DE PALEZIEUX-FALGONNET, Lt.-Col., R.E.,
Supdg. Engr., Meerut Command,
Military Works.

Rawalpindi Command.*Rawalpindi, the 5th January 1880.*

No. 26.—With reference to Inspector General Military Works' Notification No. 97, dated 18th December 1879, transferring Lieutenant J. T. Johnston, R.E., Assistant Engineer, to the Meerut Command, Military Works, this Officer left the Rawalpindi Command on the forenoon of the 26th December 1879.

W. H. MACKESY, Lieut.-Col.,
Supdg. Engr., Rawalpindi Command,
Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.*Calcutta, the 6th January 1880.*

With reference to the Notification of the Government of India in the Public Works Department, No. 519, dated the 23rd December 1879, Captain F. G. Oldham, R.E., received charge of the Office of Examiner of Accounts to the Government of India for Guaranteed Railways, Calcutta, from Mr. R. B. Duncan, on the afternoon of the 31st December 1879.

F. S. TAYLOR, Col., R.E.,
Consulting Engr. to Govt. of India
for Guaranteed Railways.

Lahore, the 30th December 1879.

No. 28.—Referring to Public Works Department Notification No. 519 of 23rd December 1879, Captain F. G. Oldham, R.E., and Captain J. S. Biscoe, S.C., respectively, made over and received charge of the Office of Examiner, Guaranteed Railway Accounts, Lahore, on the afternoon of 23rd December 1879.

J. G. MEDLEY, Colonel, R.E.,
Consulting Engr. to Govt. of India
for Guaranteed Railways.

Lucknow, the 7th January 1880.

With reference to Government of India, Public Works Department, Notification No. 351, dated 11th September 1879, Mr. R. N. Burn, Deputy Examiner, rejoined the Audit Office of the Oudh and Rohilkhand Railway Accounts from Northern Bengal State Railway, on the forenoon of the 5th January 1880.

T. F. DOWDEN, Major, R.E.,
Offg. Consulting Engr. to Govt. of India
for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.**NOTIFICATIONS.—ESTABLISHMENT.***Calcutta, the 7th January 1880.*

No. 1.—Major K. A. Jopp, R.E., Executive Engineer, 3rd Grade, is, on return from furlough, posted to the Peshawar-Jellalabad State Railway.

No. 2.—The under-mentioned Officers passed the Departmental Standard Examination in Hindustani on the dates noted against their names:—

Mr. P. P. Dease, Assistant Engineer, 1st Grade,
 —20th December 1879.

Mr. W. deW. Peel, Assistant Engineer, 1st Grade,
 —25th November 1879.

Mr. B. Baxter, Assistant Engineer, 1st Grade,
 —20th December 1879.

No. 3.—Babu Bhoobun Mohun Bose, Assistant Engineer, 1st Grade (temporary rank), and Babu Mâl, Assistant Engineer, 2nd Grade, are transferred from the Western Rajputana State Railway, Southern Section, to the Neemuch-Nusseerabad State Railway.

The 9th January 1880.

No. 4.—With reference to Public Works Department Notification No. 531, dated 31st December 1879, Mr. S. C. G. Wood, appointed to the Traffic Department of State Railways, as a Probationer for the superior class, is posted to the Indus Valley State Railway.

J. S. TREVOR, Major-Genl., R.E.,
Director General.

PESHAWAR-JELLALABAD STATE RAILWAY.

NOTIFICATIONS.*Peshawar, the 20th December 1879.*

No. 1.—Lieutenant D. A. Scott, R.E., Temporary Executive Engineer, 4th Grade, joined this Railway on the forenoon of the 16th December 1879.

No. 2.—Lieutenant W. H. White, R.E., Executive Engineer, 4th Grade (temporary rank), joined this Railway on the afternoon of the 9th December 1879.

No. 3.—Lieutenant J. H. C. Harrison, R.E., Assistant Engineer, 2nd Grade, joined this Railway on the forenoon of the 2nd December 1879.

J. BONUS, Colonel, R.E.,
Engineer-in-Chief,
Peshawar-Jellalabad Railway.

SINDIA-NEEMUCH STATE RAILWAY.**NOTIFICATIONS.***Neemuch, the 29th December 1879.*

No. 32.—Mr. C. Thompson, Store-keeper, 2nd Grade, Rutlam Depôt, is granted an extension of twenty-seven days, in addition to the two months' privilege leave already sanctioned in this Office Notification No. 23, dated 10th November 1879.

The 30th December 1879.

No. 33.—Mr. W. G. Gilchrist, Executive Engineer, 4th Grade (temporary rank), is transferred from the Jaora Division, Sindia-Neemuch State Railway, to the 1st Division, Neemuch and Nusseerabad State Railway. Mr. Gilchrist was relieved of his duties on the Jaora Division on the afternoon of the 27th instant.

HORACE BELL,
Engineer-in-Chief.

NOTIFICATION.

It is hereby notified, under Section 5 of "The Indian Treasure Trove Act (VI of 1878)," that on the 13th August 1878 and 8th April 1879, treasure consisting of three copper idols, valued at Rs. 50, and six copper idols valued at Rs. 24-6, were found in the villages of Agara Oki and Abivirthuswaram in the Nannilam Taluq, Tanjore District, Madras Presidency.

2. All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Tanjore, at his Office, on the 13th of May 1880, in order to

the matter being enquired into and determined in accordance with the provisions of the said Act.

C. S. CROLE,
Acting Collector.

TANJORE COLLECTOR'S OFFICE;

VELLUM,

*The 23rd December 1879.***Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.**

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department
1879.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Dec. 29	5,10,514	1,84,988	...	14,40,720	85,01,135	40,33,605
" 30	...	1,80,751	...	14,40,720	84,10,365	39,84,083
" 31	...	2,04,705	...	14,40,720	83,30,411	36,72,094
1880.						
Jan. 1	Holiday.	...	...	...	...	...
" 2	...	1,11,740	2,79,213	11,78,216	85,02,287	38,20,668
" 3	3,21,700	1,05,708	3,18,737	12,00,651	86,00,361	40,28,589

CALCUTTA MINT.
The 5th Jan. 1880.

J. F. TENNANT, Col., R.E.,
Mint Master

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 8th January 1880 ... Rs. 1,19,38,535-10-3

W. WATERFIELD,*Treasurer to the Govt. of India.*

CALCUTTA,
The 9th January 1880.

Statement of Transactions of District Savings Banks for the quarter ending 31st December 1879.

PROVINCE.	Number of Banks open.	DEPOSITS.					WITHDRAWALS.					BALANCE.			
		No.	Amount.			No.	Amount, Principal.		Amount, Interest.						
			Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Bengal.	45	1,615	1,38,717	7	4	902	1,45,949	9	5	1,198	8	6	13,05,849	10	11
Assam	11	288	37,690	14	1	137	23,597	7	3	215	14	6	1,74,845	9	0
N.-W. Provinces and Oudh	47	2,849	86,421	5	6	594	93,067	15	5	872	7	8	8,11,396	1	1
Punjab	23	494	66,741	6	8	289	65,644	9	3	828	15	6	4,93,388	14	1
Central Provinces	18	227	26,364	14	6	158	29,499	2	1	238	13	9	2,96,357	4	6
British Burma	13	237	26,093	7	4	165	22,520	0	0	234	15	2	1,68,975	14	8
Berar	2	69	5,944	10	1	44	4,034	7	10	15	10	5	79,666	0	11
India	9	637	27,418	12	6	197	16,626	8	1	196	4	4	2,32,248	6	8
Total interest for the year 1878-79 . . . . .	...	...	1,00,391	5	3	...	...	...	...	...	...	...	1,00,391	5	3
TOTAL	168	6,416	5,15,784	3	3	2,486	4,00,839	11	4	3,801	9	10	36,63,119	3	1

W. WATERFIELD,
Offg. Comptroller General.

CALCUTTA,
The 6th January 1880.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The under-mentioned Students have passed the First Examination in Arts :—

FIRST DIVISION.

In order of Merit.

1	Sarkar, Durgacharan	...	Metropolitan Institution.
2	Chakrabarti, Bhupati	...	Presidency College.
3	" Mahinimohan	...	Agra College.
4	Bandyopadhyay, Rajendrachandra	...	Sanskrit College.
5	Das, Radhagobinda	...	Rajshahye College.
6	Bhattacharyya, Ramsadan	...	General Assembly's Institution.
7	Chattopadhyay, Kunjabihari	...	Metropolitan Institution.
8	{ Chakrabarti, Juaneendranath	...	Muir Central College.
	{ Mukhopadhyay, Jibanchandra	...	Ditto.
10	Sakul, Gadadharnath	...	Benares College.
11	Ray, Manmohan	...	Presidency College.
12	Basu, Phanibhushan	...	Ditto.
13	Das, Gangachandra	...	Ditto.
14	Sinha, Satyendraprasanna	...	Ditto.
15	Adhikari, Krishnakisor	...	General Assembly's Institution.
16	{ Basu, Bhupalchandra	...	Ditto.
	{ Gupta, Gobindagopal	...	Metropolitan Institution.
18	Bhar, Nityananda	...	General Assembly's Institution.
19	{ Cooke, Edward	...	Doveton College.
	{ Piyari Lal	...	Muir Central College.
21	{ Set, Dhanballabh	...	Presidency College.
	{ Sukul, Matadin	...	Muir Central College.
23	Bandyopadhyay, Upendranath	...	Teacher.
24	Pandit, Matilal	...	Muir Central College.
	{ Basu, Janakinath	...	Katak College.
25	{ Mukhopadhyay, Debendranath	...	Krishnaghur College.
	{ Sarbadhikari, Debaprasad	...	Presidency College.
28	Chattopadhyay, Bhutnath	...	L. C. E.
29	{ Basu, Sasibhushan	...	Presidency College.
	{ Majumdar, Ramchandra	...	General Assembly's Institution.
31	{ De, Kunjabihari	...	Dacca College.
	{ Ghosh, Srischandra (No. 2)	...	Presidency College.
33	Mukhopadhyay, Upendrachandra	...	General Assembly's Institution.

SECOND DIVISION.

In Alphabetical Order.

	Abdul Wahab	...	Doveton College.
	Aganoor, M. S. P.	...	Presidency College.
	Atma Ram	...	Patna College.
	Balwant Raghunath Pendherker	...	Jabalpur High School.
	Bandyopadhyay, Kauailal	...	General Assembly's Institution.
	" Ramanath	...	Midnapur College.
	" Sasibhushan	...	L. M. S. Institution, Bhowanipur.
	" Saratchandra	...	Berhampur College.
	" Srischandra	...	Free Church Institution.
10	" Srischandra	...	Dacca College.
	" Taraprasanna	...	Agra College.
	Bárari, Akshaykumar	...	Presidency College.
	Basu, Chunilal	...	General Assembly's Institution.
	" Jadabkrishna	...	Ditto.
	" Khagendranath	...	Presidency College.
	" Mahendranath	...	Hugli College.
	" Niradbihari	...	Presidency College.
	" Radhikaprasad	...	Metropolitan Institution.
	" Raicharan	...	General Assembly's Institution.
20	" Saratkisor	...	Hugli College.
	" Sureschandra	...	Sanskrit College.
	Bhaduri, Chandrabhushan	...	Krishnaghur College.
	Bhattacharyya, Kailaschandra	...	General Assembly's Institution.
	Biswas, Srischandra	...	Sanskrit College.

	Chakrabarti, Harendranarayan	...	Hugli College.
	" Harihar	...	Presidency College.
	" Kshetrapal	...	General Assembly's Institution.
	" Mahendranath	...	Muir Central College.
	" Rajmohan	...	Dacca College.
30	" Rasikchandra	...	Ditto.
	Chattopadhyay, Abhayakumar	...	Ditto.
	" Haranchandra	...	Metropolitan Institution.
	" Lakshmanchandra	...	Presidency College.
	" Rajanikanta	...	Hugli College.
	" Siddheswar	...	L. M. S. Institution, Bhowanipur.
	" Upendranath	...	General Assembly's Institution.
	" Upendranath	...	L. C. E.
	Chaudhuri, Jagatchandra	...	Krishnaghur College.
	" Janmajay	...	Metropolitan Institution.
40	" Rajanikanta	...	Krishnaghur College.
	" Saratchandra	...	Metropolitan Institution.
	" Srischandra	...	Presidency College.
	" Srikanta	...	Krishnaghur College.
	" Umeschandra	...	Rajshahye College.
	Das, Gaganchandra	...	Dacca College.
	" Harinath	...	General Assembly's Institution.
	" Radhabinad	...	Metropolitan Institution.
	Datta, Jadabchandra	...	Presidency College.
	" Madhabchandra	...	Ditto.
50	De, Lalbihari	...	Ditto.
	" Sasibhushan	...	Ditto.
	Dhar, Abinaschandra	...	Ditto.
	Dube, Gobiindaprasad	...	Jabalpur High School.
	Gangopadhyay, Debendranath	...	L. M. S. Institution, Bhowanipur.
	" Makhanlal	...	Hugli College.
	Ghatak, Annadaprasad	...	Rajshahye College.
	Ghosh, Panchanan	...	Hugli College.
	" Sasibhushan	...	Free Church Institution.
	" Surendranath	...	Presidency College.
60	Grenier, James Edwin	...	St. Thomas' College, Colombo.
	Gupta, Jnancharan	...	Sanskrit College.
	" Kangalchandra	...	Hugli College.
	" Sibendranath	...	Dacca College.
	Hafazat Karim	...	Patna College.
	Halder, Gaganchandra	...	L. M. S. Institution, Bhowanipur.
	H. M. Jafar Ali	...	Lahore College.
	Jyotirbid, Pitambar	...	Muir Central College.
	Karmakar, Ambikacharan	...	General Assembly's Institution.
	Mallik, Makhaulal	...	Cathedral Mission College.
70	Misra, Gangadhar	...	Katak College.
	" Ramsahay	...	Patna College.
	Mitra, Amulyachandra	...	Presidency College.
	" Hemchandra	...	Ditto.
	" Rasamay	...	Hugli College.
	" Srischandra	...	Rajshahye College.
	Muhammad Hossain	...	St. Xavier's College.
	Muhammad Shafi	...	Lahore College.
	Mukhopadhyay, Akhilchandra	...	L. M. S. Institution, Bhowanipur.
	" Adharchandra	...	General Assembly's Institution.
80	" Gangeschandra	...	Krishnaghur College.
	" Kunjabihari	...	Presidency College.
	" Rajendranath	...	General Assembly's Institution.
	Patterson, R. O.	...	Katak College.
	Prasad, Brajabhushan	...	Benares College.
	Ray, Jogeschandra	...	Hugli College.
	" Chunilal	...	Ditto.
	" Kunjamohan	...	General Assembly's Institution.
	Raychaudhuri, Amareschandra	...	Presidency College.
	Rudra, Susilkumar	...	St. Xavier's College.
90	Sahay, Jagannath	...	Patna College.
	Sanyal, Saratchandra	...	Benares College.
	Sarkar, Purnachandra	...	Hugli College.
	Sen, Abinaschandra	...	Rajshahye College.
	" Bankimchandra	...	Presidency College.
	" Binodbihari	...	Ditto.
	" Biswceswar	...	Ditto.
	" Debendramchan	...	Ditto.

	Sen, Jogendranath	...	General Assembly's Institution.
	" Khirodchandra	...	Ditto.
100	" Kisorimohan	...	Metropolitan Institution.
	" Gupta, Girischandra (No. 1)	...	Dacca College.
	Sinha, Nandakisor	...	Jeypur Maharaja's College.
	" Ramchandra	...	Presidency College.
	" Madhabprasad	...	Benares College.
	" Sasibhushan	...	L. M. S. Institution, Bhowanipur.
	" Surendranath	...	Hugli College.
	Smyth, J. C.	...	St. Xavier's College.
	Stark, Alfred W.	...	Doveton College.
	Syed Farzand Ali	...	Patna College.
110	Syed Golam Quadir	...	Teacher.
	Thakur, Kasinath Kesab	...	Jabalpur High School.
112	Younan, James	...	St. Xavier's College.

THIRD DIVISION.

In Alphabetical Order.

	Ali Baksh	...	Patna College.
	Abdul Wahhab	...	Presidency College.
	Abul Hossein	...	Krishnaghur College.
	Abdul Ghafoor	...	Patna College.
	Achal Behari	...	Muir Central College.
	Acharyya, Kaliprasanna	...	Cathedral Mission College.
	Anantaram	...	L. M. S. School, Benares.
	Baksi, Saradaprasad	...	Metropolitan Institution.
	Bandyopadhyay, Amritlal	...	General Assembly's Institution.
10	" Atulchandra	...	Cathedral Mission College.
	" Baninath	...	Patna College.
	" Chandrabhushan	...	Muir Central College.
	" Charuchandra	...	L. M. School, Benares
	" Dharanidhar	...	Free Church Institution.
	" Jadunath (No. 1)	...	Presidency College.
	" Kalidhan	...	Ditto.
	" Lalitmohun	...	General Assembly's Institution.
	" Narendranath	...	Free Church Institution.
	" Niradchandra	...	Doveton College.
20	" Rakhalechandra	...	Hugli College.
	" Satyasan	...	L. M. S. Institution, Bhowanipur.
	Bonnerjee, Rajendra Misra	...	Doveton College.
	Basak, Lalbihari	...	General Assembly's Institution.
	Basu, Becharam	...	Free Church Institution.
	" Haranchandra	...	Cathedral Mission College.
	" Haripada	...	General Assembly's Institution.
	" Loknath	...	Sanskrit College.
	" Manahar	...	Free Church Institution.
	Beniprasad	...	Teacher.
30	Bhatta, Tridharacharan	...	Berhampur College.
	Bhattacharyya, Akshaykumar	...	Hugli College.
	" Brajakumar	...	Canning College, Lucknow.
	" Jogendrachandra	...	Presidency College.
	" Sukumar	...	Krishnaghur College.
	Bhawal, Gobindchandra	...	Metropolitan Institution.
	Biswas, Baradakanta	...	Ditto.
	" Pramathanath	...	General Assembly's Institution.
	Blaze, L. E.	...	Trinity College, Kandi.
	Chakrabarti, Binadbihari	...	Hugli College.
40	" Prankrishna	...	Canning College, Lucknow.
	" Rajendranath	...	Muir Central College.
	" Rakhaldas	...	General Assembly's Institution.
	Chattopadhyay, Bhudeb	...	Presidency College.
	" Chandrakumar	...	Dacca College.
	" Janakinath	...	Metropolitan Institution.
	" Saratchandra	...	Ditto.
	" Saratchandra	...	General Assembly's Institution.
	" Surapati	...	Metropolitan Institution.
	Chaturbedi, Kisorchandra	...	Agra College.
50	" Puran Mal	...	St. John's College, Agra.
	Chaudhuri, Bhagabaticharan	...	General Assembly's Institution.
	" Mahendranath	...	Ditto.
	" Perbhudayal	...	St. John's College, Agra.

	Chaudhuri, Satischandra	...	Doveton College.
	" Syamsunder	...	Hugli College.
	Churnu Lal	...	Canning College, Lucknow.
	Cleophas, C. D.	...	St. John's College, Agra.
	Das, Baikuntanath	...	Benares College.
	" Chandrakanta	...	General Assembly's Institution.
60	" Debendranath	...	Dacca College.
	" Haranchandra	...	Presidency College.
	" Harkishan	...	Lahore College.
	" Harilal	...	General Assembly's Institution.
	" Jogendrachandra	...	Presidency College.
	" Kalikamal	...	Metropolitan Institution.
	" Matilal	...	Patna College.
	Datta, Mahendranath	...	Metropolitan Institution.
	" Narayanprasad	...	Free Church Institution.
	De, Prasannakumar	...	Cathedral Mission College.
70	" Surendranath	...	Patna College.
	Deb, Haranchandra	...	Agra College.
	Dikshit, Benimadhab	...	Benares College.
	Gajadharprasad	...	Patna College.
	Gangopadhyay, Amritlal	...	Metropolitan Institution.
	" Kshetramohan	...	Jabalpur High School.
	" Saratchandra	...	Dacca College.
	Gauri Sankar	...	Patna College.
	Ghosh, Anantaram	...	General Assembly's Institution.
	" Asutosh	...	Cathedral Mission College.
80	" Bipinbihari	...	Metropolitan Institution.
	" Debendranath	...	Cathedral Mission College.
	" Girijakisor	...	Dacca College.
	" Kaliprasana	...	Ditto.
	" Kunjabihari	...	Ditto.
	" Meghnad	...	Teacher.
	" Nilprasana	...	St. Xavier's College.
	Godfrey, Theodore R.	...	Doveton College.
	Guha, Rahinikumar	...	General Assembly's Institution.
	Gupta, Asutosh	...	Cathedral Mission College.
90	Hajra, Jagendranath	...	Midnapur College.
	Haldar, Jogendranath	...	Presidency College.
	Haracharanlal	...	Muir Central College.
	Ikramul Hakk	...	Doveton College.
	Jaganath Prasad	...	Benares College.
	Jharkhandi, Somnath	...	Ditto.
	Kandhji	...	Patna College.
	Kanjilal, Judunath	...	Teacher.
	Karmakar, Baikuntanath.	...	Metropolitan Institution.
	Khan, Hariprasanna	...	Canning College.
100	Kshetriya, Ramkrishna	...	Benares College.
	Kunar, Sasibhushan	...	Free Church Institution.
	Kundu, Gaurchandra	...	Chittagong College.
	Laha, Lalitmohan	...	Presidency College.
	Lahiri, Dwarkanath	...	Cathedral Mission College.
	" Mahendranath	...	Ditto.
	Madanbiharilal	...	Patna College.
	Maghor Ram	...	Lahore College.
	Maiti, Radhanath	...	Midnapur College.
	" Upendranath	...	Ditto.
110	Maitra, Sibchandra	...	Muir Central College.
	Majumdar, Brindabanchandra	...	General Assembly's Institution.
	" Rajanikanta	...	Canning College, Lucknow.
	" Rakhaldas	...	Metropolitan Institution.
	Mandal, Girischandra	...	L. M. School, Benares.
	Martin, A.	...	La Martiniere College.
	Mathur Maharaj Singh	...	Agra College.
	Mendis, L. W.	...	Wesleyan College, Colombo.
	Michael, George	...	Doveton College.
	Mitra, Asutosh	...	Presidency College.
120	" Ramprasanna	...	Midnapur College.
	" Satischandra	...	Presidency College.
	Muhammad Ali	...	Katak College.
	" Hoshin Ali Khan	...	Teacher.
	Mukhopadhyay, Bamacharan	...	Presidency College.
	" Chandrakumar	...	Patna College.
	" Jagadiskumar	...	Ditto.

	Mukhopadhyay	Jnanendranath	...	Hugli College.
	"	Jogendranath	...	Muir Central College.
	"	Priyanath	...	General Assembly's Institution.
130	"	Ram Das	...	Krishnaghur College.
	"	Sripati	...	Canning College.
	"	Susilendra	...	Metropolitan Institution.
	Nag, Bijaykrishna		...	Ditto.
	Niogi, Bamacharan		...	General Assembly's Institution.
	"	Piyarilal	...	Ditto.
	"	Piyarilal	...	Lahore Government College.
	Pande, Jayaprasad		...	Patna College.
	Raha, Amritalal		...	General Assembly's Institution.
	Ray, Ashutosh		...	Midnapur College.
140	"	Baradaprasad	...	Metropolitan Institution.
	"	Gabindachandra	...	Hugli College.
	"	Girjabhushan	...	St. Xavier's College.
	"	Gopendrachandra	...	Hugli College.
	"	Jadunath	...	Cathedral Mission College.
	"	Maheschandra	...	Rajshahye College.
	"	Srinath	...	Dacca College.
	"	Tarakchandra	...	General Assembly's Institution.
	Raychaudhuri, Akshaykumar		...	Metropolitan Institution.
	"	Priyanath	...	Ditto.
150	"	Saratchandra	...	General Assembly's Institution.
	"	Suratkumar	...	Presidency College.
	Sahay, Jadubansa		...	Patna College.
	Sankhadhar, Jwalaprasad		...	Canning College.
	Sarkar, Prasannakumar		...	Jaypur Maharaja's College.
	"	Nandalal	...	Metropolitan Institution.
	Sarkhal, Gopallal		...	Presidency College.
	Schorn, A.		...	Ditto.
	Sen, Mahendranath		...	Ditto.
	"	Grischandra (No. 3)	...	Dacca College.
160	"	Kasibhushan	...	Metropolitan Institution.
	"	Rajanikanta	...	Chittagong College.
	"	Rameschandra	...	Metropolitan Institution.
	"	Sasibhushan	...	Hugli College.
	Sengupta, Rajendralal		...	Midnapur College.
	Seth, Sujansing		...	Muir Central College.
	Sibram		...	Lahore College.
	Siuha, Gopalchandra		...	Midnapur College.
	"	Isauchandra	...	Metropolitan Institution.
	"	Syamulal	...	Patna College.
170	Sur, Biharilal		...	Teacher.
	Syyid Ahmed Hussain		...	Canning College, Lucknow.
	Topdar, Ambikacharan		...	Dacca College.
	Ukil Uddin Ahmed		...	Ditto.
	Upadhyay, Indirdatta		...	Benares College.
175	Wajid Husain		...	Patna College.

The under-mentioned students have passed the Entrance Examination :--

FIRST DIVISION.

In Alphabetical Order.

Adhikari, Sitanath	18	...	Serajgunge H. C. E. School.
Ah Syoo	18-6	...	Rangoon Government High School.
Bandyopadhyay, Girindrachandra	16-6	...	Utterparah School.
"	18	...	Harc School.
"	16	...	Barisa School.
"	16	...	Berhampur Collegiate School.
"	18	...	Barrackpur School.
"	16-3	...	Hindu School.
"	16	...	Dacca Collegiate School.
"	17-9	...	Ditto.
Bannerjee, Nagendranath	16	...	Doveton College.
Basak, Madhabananda	17	...	Hindu School.
"	17-4	...	Ditto.
Basu, Bholanath	18	...	Albert School.
"	18	...	Free Church Institution, Calcutta.
"	17	...	St. John's College, Agra.
"	17	...	Calcutta Institution.

	Basu, Priyanath, Junior	19	...	Midnapur Collegiate School.
	„ Rameschandra	16	...	Jessore Government School.
20	„ Saratchandra (B) Junior	16	...	L. M. S. Institution, Bhowanipur.
	„ Sasibhushan	17	...	Hare School.
	„ Satischandra	16	...	Ditto.
	„ Surendrachandra	17	...	Hindu School.
	Bhattacharyya, Annadaprasad	16	...	Konnagar School.
	„ Asutosh	16	...	Howrah School.
	„ Bidhubhushan	18	...	Sanskrit Collegiate School.
	„ Haripada	17	...	Jenkins' School, Cooch Behar.
	„ Rajanikanta	18	...	Sanskrit Collegiate School.
	„ Rakhalidas	19	...	Utterparah School.
30	„ Saktikanta	17	...	Nabadwip Hindu School.
	Chakrabarti, Siddheswar	16	...	Hazaribagh Zilla School.
	Chattopadhyay, Haridas	17	...	Utterparah School
	„ Jogendranath	18	...	Bankura Government School.
	„ Jogendranath	17	...	Hare School.
	„ Kalipada	17	...	Krishnaghur Collegiate School.
	Chaudhuri, Radhagobinda	17	...	Hindu School.
	Das, Abhayacharan	17-6	...	Sylhet Zilla School.
	„ Bamacharan	18	...	General Assembly's Institution.
	„ Gopalchandra	17	...	Malda Zilla School.
40	„ Gopalchandra	17	...	Hare School.
	„ Jogendranath	17	...	Bankura Government School.
	„ Kailasgobinda	17	...	Santosh Jahnabi School.
	Datta, Anandakisor	18	...	Commilla Zilla School.
	„ Biharilal	18	...	Utterparah School.
	„ Debiprasad	20	...	Kandi School.
	„ Lalitchandra	20	...	Santosh Jahnabi School.
	„ Narendranath	16	...	Metropolitan Institution.
	„ Nibaranchandra	17	...	Hindu School.
	„ Sibnath	17	...	Sylhet Zilla School.
50	De, Kasipati	17	...	Hare School.
	Deb, Mathuramohan	17	...	Pogose School, Dacca.
	Ganda Mal	19	...	Lahore High School.
	Gangopadhyay, Baradakanta	17	...	Dacca Collegiate School.
	Ghosh, Nakari	17	...	Hindu School.
	„ Priyanath	19	...	Joynaghur Institution.
	„ Satischandra	18	...	Naral H. C. E. School.
	Ghoshal, Upendranath	17	...	Radhabulhab Institution, Kuchiakol.
	Ghulam Hyder Khan	19	...	Arrah School.
	Gupta, Probodhchandra	18-2	...	Hugli Branch School.
60	Halder, Chaitanacharan	17-5	...	Hindu School.
	Hall, C. B.	16	...	La Martiniere College, Lucknow.
	Hardinge, W.	18	...	Bishop Cotton's School, Simla
	Hormusjee Cowasjee Dotiwalla	17-8	...	Indore Residency College.
	Inam Ali	17	...	Lahore High School.
	Karfarma, Prasannakumar	17	...	Hindu School.
	Kumar, Prankrishna	16	...	Jenkins' School, Cooch Behar.
	Laha, Saradaprasad	19	...	Utterparah School.
	Lahiri, Khagendrabhushan	17-5	...	Hindu School.
	Noshirwanjee, Meherjee	15-10	...	Indore Residency College.
70	Michell, A. P.	23	...	Teacher.
	Misra, Nathun	17	...	Naral H. C. E. School.
	Mitra, Benimadhab	18	...	Harinabhi A. S. School.
	„ Loknath	17	...	Burdwan Maharaja's School.
	„ Nagendrachandra	17	...	Monghyr Zilla School.
	„ Prasannakumar	18	...	Hugli Branch School.
	„ R. K.	16	...	Unao High School.
	Moran, W. A.	17	...	La Martiniere College, Lucknow.
	Muhammed Ishak Khan	...	...	Agra College.
	„ Khan	19	...	Jabalpur High School.
80	Mukhopadhyay, Amritlal	17	...	Mission School, Behala.
	„ Asutosh (No. 1)	16	...	Suburban School, Kalighat.
	„ Bipinbihari	18	...	Metropolitan Institution.
	„ Biharilal	17	...	Nasirabad School.
	„ Jaharlal	18	...	Albert School.
	„ Satischandra	16	...	Suburban School, Kalighat.
	„ Upendranath	16	...	Indian Institution.
	Niyogi, Gatikrishna	16	...	Bankura Government School.
	Pal, Janakinath	17-4	...	Dacca Collegiate School.
	Palit, Amritlal	16	...	Hindu School.
90	Ram, Kour	19	...	Lahore High School.

	Ramsahay	17	...	Arrah School.
	Ray, Benimadhab	16	...	Hare School.
	„ Kalikumar	16	...	Canning College, Lucknow.
	„ Syamacharan	18	...	Rajshahye Collegiate School.
	Raychaudhuri, Upendrakisor	17	...	Mymensing Government Zilla School.
	Sant, Ram	18	...	Lahore High School.
	Sarbadhikari, Jyotiprasad	17	...	Hare School.
	Sarkar, Hemchandra	17	...	Krishnagur Collegiate School.
	„ Prankrishna	19	...	Jaynagur Institution.
100	Sayed Wazir, Hussain	18	...	Chapra Zilla School.
	Sen, Akshaykumar	18	...	Rajshahye Collegiate School.
	„ Lalitkumar	17-5	...	Barisal Government School.
	„ Narayanchandra	18	...	Oriental Seminary.
	Shamsul Huda	17	...	Hugli Collegiate School.
	Sibaprasad	18	...	Ajmere Government College.
	Sil, Aghornath	17	...	Hindu School.
	Sinha, Biswanath	18	...	City School.
	„ Prakaschandra	19	...	Barisal Government School.
	„ Radhamadhab	19	...	Comilla Zilla School.
110	Slane, W.	17	...	La Martiniere College, Lucknow.
	Sukhdco Prasad	18	...	Agra College.
	Taw Sain Kho	16	...	Rangoon Government High School.
	Vaughan, J. C. S.	17	...	St. Paul's School, Darjeeling.
114	Williams, A.	17	...	Bishop Cotton's School, Simla.

SECOND DIVISION.

In Alphabetical Order.

	Abdul Aziz	18	...	Cawnpur Zilla School.
	„ Basit	21	...	Calcutta Madrasa.
	„ Hamid	16	...	Monghyr Zilla School.
	„ Razaq	19	...	Bareilly Collegiate School.
	„ Wasay Khan	19	...	Ditto.
	Abul Hosen Mi	20	...	Bogra Zilla School.
	Acharyya, Prabalchandra	19	...	Naral H. C. E. School.
	Acres, G.	16	...	Bishop Cotton's School, Simla.
	Adhikari, Prasannakumar	18	...	Navadwip Hindu School.
10	Adhya, Suratchandra	17	...	Hugli Collegiate School.
	Advani, Heranand S.	16-6	...	Hare School.
	Amar Chand	19	...	District School, Hoshiarpur.
	Anthony, C.	17	...	Bishop Cotton's School, Simla.
	Arratoon, J.	18	...	Dacca Pogose's School.
	Ash, Nriyagopal	17	...	Konnagar School.
	Badrinath	20	...	Amritsar District School.
	Bagchi, Debendraprasad	16	...	Berhampur Collegiate School.
	Baisya, Jugalkisor	16	...	Benares College.
	Bakaram Babuji Sandhane	21	...	City School, Nagpur.
20	Balakram	19	...	Canning College, Lucknow.
	Baksi, Harischandra	16	...	Okrah Kunjalal Institution.
	Bal, Rajendralal	17	...	Sylhet Zilla School.
	Baland Ray	18	...	District School, Amritsar.
	Baldeo Bihari	17	...	Agra College.
	Balwant Atmaram Rabbale	17	...	Free Church Institution, Nagpur.
	Banda, N. T.	18	...	Trinity College, Kandy.
	Bandyopadhyay, Akhil Chandra	17	...	L. M. S. Institution, Bhowanipur.
	„ Amarnath	17	...	Sodepur School.
	„ Annadacharan	18	...	Metropolitan Institution.
30	„ Anupchandra	17-6	...	Hare School.
	„ Asutosh	16	...	Howrah School.
	„ Balaram	19	...	Patna Collegiate School.
	„ Bholanath	17	...	Bengalitola Preparatory School, Benares.
	„ Debendranath	17	...	Krishnagur Collegiate School.
	„ Debendranath	18	...	Suburban School, Kalighat.
	„ Harakumar	18	...	Dacca Collegiate School.
	„ Haridas	17	...	Hindu School.
	„ Harimohan	18	...	Scarsole School.
	„ Hemendrachandra	16	...	Metropolitan Institution, Shampukur Branch.
40	„ Hiralal	18	...	L. M. S. Institution, Bhowanipur.
	„ Jaykrishna	18	...	Hindu School.
	„ Jogendranath	18	...	Malda Zilla School.
	„ Kaliprasanna	18	...	Jaynarain's College, Benares.
	„ Kaliprasanna	16	...	Bhagulpur Zilla School.

	Bandyopadhyay, Manmathanath	17	...	Metropolitan Institution.
	„ Nandalal, I	17	...	Hugli Collegiate School.
	„ Nandalal, II	17	...	Ditto.
	„ Pauchanan	17	...	Suburban School, Kalighat.
	„ Parbaticharan	18	...	Free Church Institution, Chinsurah.
50	„ Rakhalidas	17	...	Serampore College.
	„ Rakhalidas	17	...	Ranchi Zilla School.
	„ Saratchandra	16	...	Indian Institution.
	Bankabihari	17	...	Chapra Zilla School.
	Barma, Saratchandra	16	...	Metropolitan Institution.
	Baruya, Upendranath	18	...	Shibsaggor Zilla School.
	Basu, Abinaschandra	16-4	...	Midnapur Collegiate School.
	„ Abinaschandra	16-7	...	Naral H. C. E. School.
	„ Akshaykumar	19	...	Mymensing Zilla School.
	„ Baradakanta	18	...	Ditto.
60	„ Bishunchandra	17	...	Free Church Mission School, Kalna.
	„ Jadunath	19	...	Goberdanga School.
	„ Jnanendranath	16	...	Indian Institution.
	„ Jogendranath	17	...	Basirhat Municipal School.
	„ Jogeschandra	20	...	Calcutta Training Academy.
	„ Krishnanath	18	...	Dacca Collegiate School.
	„ Lalitmohan	18	...	Kanchrapara H. C. E. School.
	„ Nandagopal	17	...	Metropolitan Institution.
	„ Rajendralal	19	...	Hamilton School, Tamluk.
	„ Rangalal	17	...	Harinavi A. S. School.
70	„ Sudhanyakumar	17	...	Dacca Pogose School.
	Batabyal, Bipinbihari	17	...	Harinavi A. S. School.
	Benarsi Lal	18	...	Arrah School.
	Beni Prasad	17	...	Moradabad High School.
	Bhaduri Srimanta	21	...	Rajshahye Collegiate School.
	Bhanja, Upendranath	17	...	Hare School.
	Bhakat, Harichand	18	...	High School, Lahore.
	Bhargaw, Kedarnath	16	...	Allahabad High School.
	Bhatta, Nandram	18	...	Behar School.
	Bhattacharyya, Anandamohan	19	...	Nasirabad School.
80	„ Anandachandra	19	...	L. M. S. Institution, Bhowanipur.
	„ Anangamohan	18	...	Purulia School.
	„ Mahimanath	15-8	...	Beerbhoom School.
	„ Narayanchandra	20	...	Baidyabati English School.
	„ Prasannakumar	18	...	Santipur Municipal School.
	„ Priyanath	17	...	City School.
	„ Rajanikanta—Sr.	17	...	Maharaja's School, Kalna.
	„ Srikanta	19	...	Sanskrit College.
	Bindubasinilal, L.	19	...	High School, Jubbulpore.
	Biswas, Dhankrishna	18	...	Hare School.
90	„ P. Chandramohan	18	...	General Assembly's Institution.
	„ Paramananda	18	...	Mymensing Zilla School.
	„ Trailokyanath	17	...	Pakour School.
	Blaze, R. E.	16	...	Trinity College, Kandy.
	Brahman, Paramananda	19	...	High School, Jubbulpore.
	Burke, W. H.	17	...	Bishop Cotton's School, Simla.
	Cameron, C.	16	...	St. Xavier's College
	Chakrabarti, Aghornath	19	...	Harinavi A. S. School.
	„ Bankabihari	19	...	Bhagulpur Zilla School.
	„ Basantakumar	18	...	Barrisal Government School.
100	„ Fatikechandra	18	...	Ditto
	„ Gauricharan	18	...	Howrah School.
	„ Girischandra	18	...	Jaganath School, Dacca.
	„ Isanchandra	17	...	Maharani Saranamoy's School, Ullipur.
	„ Janakinath	22	...	Dacca Pogose School.
	„ Mahimchandra	20	...	Jenkins' School, Cooch Behar.
	„ Nilmani	17	...	South Bahabu, H. C. E. School.
	„ Ramanisundar	17	...	Jenkins' School, Cooch Behar.
	„ Ramendra	17	...	Serajunge H. C. E. School.
	Chanda, Kaminikumar	16	...	Silchar Zilla School.
110	Chandra, Jibankrishna	18	...	Chandernagore School.
	Chattopadhyay, Amulyadhan	17	...	Sodepur School.
	„ Anandamohan	21	...	Dacca Pogose School.
	„ Bhutnath	18	...	Jaynagar Institution.
	„ Bimalacharan	17	...	Metropolitan Institution.
	„ Bipinbihari	17	...	Barrisal Government School.
	„ Bipinchandra	18	...	Hugli Collegiate School.
	„ Kalipada	17	...	Hugli Branch School.

	Chattopadhyay, Kumareschandra	19	...	Krishnaghur Collegiate School.
	" Madhusudan	21	...	Dacca Pogose School.
120	" Manmatha	18	...	Barrackpur School.
	" Mritunjay	18	...	Benares College.
	" Nagendranath	16	...	Metropolitan Institution.
	" Narayanchandra	18	...	Baraset Government School.
	" Narayanchandra	17	...	Indian Institution.
	" Narayanchandra	18	...	Chandernagore School.
	" Narendranath	16-8	...	Utterparah School.
	" Nareschandra	19	...	Albert School.
	" Nrityagopal	20	...	Jehanabad H. C. E. School.
	" Rajanikanta	18	...	Pakur School.
180	" Rakhalchandra	17	...	Barrisal Government School.
	" Siddheswar	19	...	Hugli Branch School.
	Chaturbedi, Banarasidas	17	...	Agra College.
	Chaudhuri, Haridas	19-2	...	Beerbhoom School.
	" Isanchandra	16	...	Doveton College.
	" Nalinikanta	18	...	Rajshahye Collegiate School.
	" Pramada Prasad	18	...	C. M. School, Monghyr.
	" Srinath	20	...	Ruplal Raghunath School.
	" Syamakanta	21	...	Barrisal Government School.
	Chhaju Ram	18	...	C. M. School, Amritsar.
140	Copeland, R.	17	...	St. Xavier's College.
	Dalchand	18	...	High School, Jubbulpur.
	Damodar, Nilkanth Khare	16	...	City School, Nagpore.
	Das, Basantakumar	19	...	Barrisal Government School.
	" Bhagaban	18	...	Moradabad High School.
	" Brajamohan	19	...	Benares College.
	" Ganapati	18	...	Balasore Zilla School.
	" Gobindanarayan	17	...	Allahabad High School.
	" Gurucharan	18	...	Teacher.
	" Harbhagwan	19	...	Amritsar District School.
150	" Kailaschandra	17	...	Dacca Collegiate School.
	" Kshetramohan	18	...	Patna Collegiate School.
	" Lalitmohan	17	...	Hugli Collegiate School.
	" Lambodar	18	...	Tezpur Zilla School.
	" Mathuranath	17	...	Barrisal Government School.
	" Nabakumar	17	...	Jagannath School, Dacca.
	" Piyarimohan	16	...	L. M. S. Institution, Bhawanipur.
	" Prasannakumar	17	...	Dacca Collegiate School.
	" Prasannakumar	16	...	Berhampur Collegiate School.
	" Pratapchandra	18	...	General Assembly's Institution.
160	" Srikanta	19	...	F. C. Institution, Calcutta.
	" Syamacharan	20	...	Dacca Pogose School.
	" Syamsundar	16	...	Balasore Zilla School.
	" Thakakrishna	19-3	...	Beerbhoom School.
	" Umeschandra	18	...	F. C. Institution, Calcutta.
	Datta, Abhaychandra	17	...	Nasirabad School.
	" Baikunthanath	17	...	Balasore Zilla School.
	" Biharilal	18	...	Amta School.
	" Bimalaprasad	15-8	...	Beerbhoom School.
	" Dharanidhar	17	...	City School.
170	" Dinanath Prithu	19	...	Boarding School, Batala.
	" Haridas	16	...	Hindu School.
	" Hridaynath	18	...	Naral H. C. E. School.
	" Kunjabihari	17	...	Ditto.
	" Loknath	17-9	...	Midnapur Collegiate School.
	" Nabakisor	20	...	Abdul Gunny's Free School.
	" Nabakumar	19	...	Metropolitan Institution, Shampukur Branch.
	" Natabar	17-10	...	Hare School.
	" Nilmani	21	...	Hugli Collegiate School.
	" Rajkrishna	18	...	City School.
180	" Sasibhusan	19	...	Searsole School.
	" Upendranath	19	...	Oriental Seminary.
	Davidson, C. R.	16	...	Bishop Cotton's School, Simla.
	D'Cruz, W. M.	16	...	St. Joseph's School.
	De, Anadinath	19	...	Metropolitan Institution.
	" Manmatha	17	...	General Assembly's Institution.
	" Saradaprasad	16	...	Metropolitan Institution.
	" Ramanath	16-8	...	Krishnagar Collegiate School.
	" Siddheswar	17	...	Hugli Branch School.
	" Srischandra	18	...	L. M. S. Institution, Bhawanipur.
190	Deb, Mahendra Chandra	20	...	Dacca Pogose School.

	DeAbren, E.	16	...	Cawnpore Girls' School.
	Debiprasad	17	...	Canning College, Lucknow.
	DeVoz, C.	17	...	St. Thomas' College, Colombo.
	Dhaniram	17	...	High School, Ulwar.
	Dhar, Lalitmohan	18	...	Nizamut School, Moorshedabad.
	" Bharat-chandra	20	...	Mymensing Zilla School.
	Dover, E. W.	19	...	Private Student.
	D'Souza, R.	17	...	St. Xavier's College, Calcutta.
	Dulah Ray, II	19	...	Barcilly Collegiate School.
200	Ekanayaka, C. A.	17	...	Private Student.
	Ekbali, Hossain	18	...	Arrah Zilla School.
	Gangopadhyay, Akshaykumar	17	...	Dinagepur Zilla School.
	" Asutosh	17	...	Krishnaghur Collegiate School.
	" Taraprasanna	21	...	Useful Arts School.
	Gattumal	18-10	...	Allahabad High School.
	George, S. C.	17	...	Armenian Philanthropic Academy.
	Ghatak, Krishna Chandra.	19	...	Hare School.
	Ghosh, Amulyakrishna	18	...	Ditto.
	" Akshaykrishna	18	...	Hugli Branch School.
210	" Annadakisor	19	...	Jagannath School, Dacca.
	" Asutosh	16	...	Oriental Seminary.
	" Asutosh	16-10	...	Benares College.
	" Banamali	17	...	Hazaribagh Zilla School.
	" Baradakanta	22	...	Dinagepur Zilla School.
	" Biharilal	17	...	Metropolitan Institution.
	" Dvijendramohan	18	...	Mymensing Zilla School.
	" Gabindagopal	20	...	Kandi School.
	" Gaganchandra	17	...	Dacca Collegiate School.
	" Harendranath	17	...	Krishnagar Collegiate School.
220	" Hemchandra	18	...	Ditto.
	" Jadunath	20	...	City School.
	" Jogendranath	19	...	Naral H. C. E. School.
	" Khagendranath	18	...	Oriental Seminary.
	" Makhanlal	16	...	Metropolitan Institution.
	" Manmathanath	17	...	Harinavi A. S. School.
	" Parbaticharan	20	...	Seal's Free College.
	" Sasimohan	17	...	Jenkins' School, Cooch Behar.
	" Sibdas	16	...	General Assembly's Institution.
	" Sitanath	17	...	L. M. S. Institution, Bhowanipur.
230	" Sitanath	18	...	Katak Collegiate School.
	" Srinath	19	...	Jagannath School, Dacca.
	" Srischandra	19	...	Patna Collegiate School.
	" Srischandra.	18	...	L. M. S. Institution, Bhowampur.
	" Sundarchandra	19	...	Baidyabati English School.
	" Tarakchandra	21	...	Barrisal Government School.
	" Umeschhandra	17	...	Mymensing Zilla School.
	" Upendranath	18	...	L. M. S. Institution, Bhowampur.
	" Upendranath	17	...	Nizamut School, Moorshedabad.
	Ghoshal, Benimadhab	16	...	L. M. S. Institution, Bhowanipur.
240	Girdhari Lal, I	18	...	Amritsar District School.
	Gokul Chand	16	...	Fyzabad Zilla School.
	Golab Roy	20	...	Pratapgar High School.
	Goswami, Surendranath	17	...	Baraset Government School.
	Grinnol, H. R.	17	...	La Martiniere College.
	Guha, Janakinath	17	...	Barrisal Government School.
	Gulab Ray	18	...	Private Student.
	Gupta, Bholanath	18	...	Bhagulpur Zilla School.
	" Dinabandhu	19	...	L. M. S. Institution, Bhowanipur.
	" Haranchandra	18	...	Rajshahye Collegiate School.
250	" Haridas	18	...	Hamilton School, Tamuk.
	" Harilal	17	...	City School.
	" Kalikrishna	16	...	Monghyr Zilla School.
	" Prasannakumar	18	...	Silchar Zilla School.
	" Sukmayadas	17	...	Kalia E. School.
	Hallock, W. A.	19	...	St. Thomas' College, Colombo.
	Hanuman Prasad	20	...	Canning College, Lucknow.
	Harbhagwan	18	...	High School, Lahore.
	Hardatta Jcotshee	26	...	Barcilly Collegiate School.
	Harford, J.	18	...	La Martiniere College, Lucknow.
260	Harichand	18	...	High School, Lahore.
	Harihar Prasad	21	...	Patna Collegiate School.
	Harsing Ravath	18	...	Mission School, Derah Doon.
	Haris Chandra	16	...	High School, Jubbulpur.

	Hazarilal, L.	18	...	High School, Jubbulpur.
	Hoskins, C. J.	16-10-14	..	Boys' High School, Allahabad.
	Hpo Thain	18-8	...	Government High School, Rangoon.
	Iffraim	18	...	Teacher.
	Indrajitlal	19	...	Benares College.
	Ingram, C.	16	...	Government High School, Rangoon.
270	Isacharan	17	...	Boarding School, Batala.
	Jaishi Ram	17	...	District School, Amritsar.
	Jayewardene, A. M.	20	...	Trinity College, Kandy.
	Jay Lal	18	...	High School, Jubbulpur.
	Jeban Singh	18	...	Private Student.
	Jha, Kaliprasad	17-8	...	Bhagulpur Zilla School.
	„ Ramkrishna	17-6	...	Ditto.
	Johory, Isaac William	16-8	...	Ditto.
	Kaliyai, Prasannanarayan	21	...	Dacca Pogose School.
	Kalwant Ray	18	...	Mission School, Ludhiana.
280	Kar, Binodinikanta	17	...	Taghoria School.
	„ Chandrasekhar	17	...	Magura H. C. E. School.
	„ Parbatisankar	17-7	...	Sylhet Zilla School.
	„ Premnarayan	18	...	Ditto.
	Karmakar, Bankabihari	18	...	Krishnagar Collegiate School.
	Kasiram	20	...	District School, Delhi.
	Khasnabis, Rasikchandra	18-8	...	Dacca Collegiate School.
	Kher, Kesheokrishna	18	...	F. C. Institution, Nagpur.
	Kinahan, A.	17	...	La Martiniere College, Lucknow.
	Kisore, Mahendra	17	...	Hare School.
290	Koar, Abinaschandra	16	...	Howrah School.
	Kshetrya, Gadadharprasad	18	...	Cawnpur Zilla School.
	Kundan Lal	16	...	Canning College, Lucknow.
	Kundu, Atulchandra	18	...	Ranaghat A. V. School.
	Kundu, Madhusudan	18	...	Oriental Seminary.
	„ Mukundalal	20	...	Kumarcally H. C. E. School.
	„ Sasibhushan	18	...	Barakpur School.
	Lahiri, Kaliprasanna	17	...	Malda Zilla School.
	„ Rajendralal	16	...	Berhampur Collegiate School.
	„ Saratchandra	17	...	Santipur Municipal School.
300	Lalbahadur	17	...	Patna Collegiate School.
	Lakshman, Anant	19	...	High School, Jubbulpur.
	Lane, H. A.	17	...	Allahabad Boys' H. School.
	Lincoln, A. G.	18	...	La Martiniere College, Lucknow.
	Madan, Amarnath	17	...	Victoria College, Agra.
	Madangopal	18	...	Benares College.
	Madan Mohan	17	...	Bareilly Collegiate School.
	Mohapatra, Manicharan	21	...	Balasore Zilla School.
	Maharajkishen	18	...	St. John's College, Agra.
	Mahmood Ali	17	...	Katak College.
310	Maitra, Hridaynath	18	...	Faridpur Zilla School.
	„ Maheswar	16-2	...	Rungpore Collegiate School.
	„ Makundamohan	18	...	Rajshahye Collegiate School.
	„ Purnachandra	17	...	Krishnagar Collegiate School.
	„ Purnachandra	17	...	Pabna Zilla School.
	Majumdar, Dwarkanath	18	...	Albert School.
	„ Harigopal	17	...	Krishnagar A. V. School.
	„ Indrabhusan	17	...	Kalca E. School.
	„ Kalipada	19	...	Pakur School.
	„ Trailokyanath	19	...	City School.
320	Malik, Bhushanchandra	19	...	F. C. Mission School, Kulua.
	Manikji Kharshedji Avasia	22	...	Residency College, Indore.
	Mankar Babaji Sarvattan	21	...	Private Student.
	Marik, Bhabataran	17	...	Barakpur School.
	Martin, J. A.	16	...	St. Joseph's School.
	Mashuq Ali	18	...	Alligurh Zilla School.
	Mathura Prasad	18	...	Bareilly Collegiate School.
	Mihindul	22	...	M. A. O. College, Alligurh.
	Mirza Hossain Beg	20	...	Mission School, Lahore.
	Mitra, Annadaprasad	17-6	...	Matihari Zilla School.
330	„ Amritlal	17	...	Hare School.
	„ Bhagabaticharan	16	...	Benares College.
	„ Debendranath	16	...	General Assembly's Institution.
	„ Dinanath, I	16	...	Konnagar School.
	„ Hemchandra	19	...	Krishnagar Collegiate School.
	„ Hemendranath	16	...	Suburban School, Kalighat.

	Mitra, Jnanendranath	16	...	Hindu School.
	" Jogendranath	17	...	Hare School.
	" Kaliprasanna	18	...	Ruplal Raghunath School.
	" Lalitmohan	17	...	Metropolitan Institution.
340	" Manmathanath	16	...	Hindu School.
	" Nitya Nath	16	...	Metropolitan Institution.
	" Saratchandra	18	...	Free Church Institution, Calcutta.
	" Prakaschandra	16	...	Ditto ditto.
	" Saratchandra, I	16	...	Metropolitan Institution.
	" Surendranath	17	...	Hare School.
	Mohibuddin	15-8	...	Nowgong Zilla School.
	Muhammad Azhar	18	...	Patna Collegiate School.
	" Faida Hosain	16	...	High School, Jubbulpur.
	" Isa, I	20	...	Calcutta Madrasa.
350	" Sadiq	21	...	Pratapgar High School.
	" Shafi	18	...	C. M. School, Jounpur.
	" Yusuf	22	...	Calcutta Madrasa.
	Mukhopadhyay, Asutosh, II	17	...	Suburban School, Kalighat.
	" Bhushanchandra	18-6	...	Hare School.
	" Bidhubhushan	17	...	Suburban School, Kalighat.
	" Bijaykrishna	16-6	...	Hare School.
	" Bipinbihari	18	...	Hindu School.
	" Bipinbihari	19	...	Jenkins' School, Cooch Behar.
	" Dulalchandra	18	...	Baluti Higher Class English School.
360	" Durgadas	17-4	...	Beerbhoom School.
	" Durgaprasanna	19	...	Hooghly Branch School.
	" Haricharan	18	...	Hazaribagh Zilla School.
	" Jogendranath	16	...	Agra College.
	" Jogendranath	19	...	Berhampur Collegiate School.
	" Jogendrachandra	18	...	General Assembly's Institution.
	" Jogeschandra	15-8	...	Beerbhoom School.
	" Kalipada	18	...	Krishnagar Collegiate School.
	" Krishnadhan	17	...	Suburban School, Kalighat.
	" Kumadbandhu	17-3	...	Dacca Collegiate School.
370	" Madhusudan	18	...	Suburban School, Kalighat.
	" Matilal	18	...	Rajshahye Collegiate School.
	" Nabakanta	19	...	Santosh Janhabhi School.
	" Prankrishna	18	...	Metropolitan Institution, Shampuke.
	" Saradaprasad	18	...	Purulia School.
	" Saradaprasad	18	...	Canning College, Lucknow.
	" Sasibhushan	16-9	...	Krishnagar Collegiate School.
	" Satyacharan	18	...	Oriental Seminary.
	" Sibdhan	18	...	Utterparah School.
	" Sibprasanna	20	...	Oriental Seminary.
380	" Srihari	17	...	Garden Reach School.
	" Syamacharan	17	...	High School, Lahore.
	" Tripuracharan	21	...	Jagannath School, Dacca.
	" Upendranath	18	...	Utterparah School.
	Mulchand	17	...	Mirzapur Zilla School.
	Nabi Bakhsh	19	...	High School, Lahore.
	Nabi Bakhsh	18-8	...	Upper School, Jhang.
	Nag, Abinaschandra	19	...	Midnapur Collegiate School.
	Nandi, Priyanath	18	...	Deogar Zilla School.
	" Sitanath	18	...	L. M. S. Institution, Bhowanipur.
390	" Tarinicharan	18	...	Mymensing Zilla School.
	Nandakisor	20	...	Meerut Zilla School.
	Narayan Balkrishna Nakhre	19	...	High School, Jubbulpur.
	Narayan Prasad	18	...	Ditto ditto
	Narayan Rao	18	...	C. M. High School, Jubbulpur.
	Narayan Subhaji Sankarpavar	16	...	City School, Nagpur.
	Nawulkisor	19	...	Canning College, Lucknow.
	Niyogi Manmohan	19	...	Mymensing Zilla School.
	Nural Haq	19	...	General Assembly's Institution.
	Nyo, Htoon	19	...	Government High School, Rangoon.
400	Pal, Abinaschandra	17	...	Albert School.
	" Banamali	18	...	St. Mary's Institution, Chandernago.
	" Priyanath	18	...	Free Church Institution, Calcutta.
	" Sarbeswar	16	...	Albert School.
	" Sibkrishna	16	...	Howrah School.
	Palit, Kalicharan	18	...	Hare School.
	" Sibchandra	16	...	English School, Chatra.
	Upendranath	17	...	Hugli Collegiate School.

	Pasley, G. W.	16	...	Bishop's School, Nagpur.
	Patwardhan, Madheo Narayan	17	...	City School, Nagpur.
410	Patyal, Narayan Sinha	18	...	Benares College.
	Peachand, R.	18	...	St. Thomas' College, Colombo.
	Perera, J. W.	19	...	Wesley College, Colombo.
	Radhailal	19	...	Hume's High School, Etawah.
	Ramlal	16	...	Chapra Zilla School.
	Raghunathprasad	19	...	Moradpur School, Bankipur.
	Raja Bahadur	19	...	Shajehanpur High School.
	Rajnarayan	21	...	Farakabad Zilla School.
	Rakshit, Kalidas	19	...	Hugli Collegiate School.
	„ Ramjadu	17	...	Hare School.
420	Ramchandra Nanaji Dani	18	...	Free Church Institution, Nagpur.
	Ramchandra Narayan Pandit	19	...	City School, Nagpur.
	Rao, T. Krishnaji	20	...	Cuttack Academy.
	Rasul-Yar Khan	17	...	Arrah School.
	Ray, Bipinbihari	16-6	...	Scarsole School.
	„ Bhairab Chandra	20	...	Abdul Gunny's Free School.
	„ Bijaykrishna	17	...	Nizamut School, Moorsheadabad.
	„ Chandramohan	19	...	Sylhet Zilla School.
	„ Charuchandra	17-8	...	Hare School.
	„ Debendranath	18	...	High School, Jubbulpur.
430	„ Harendranath	16	...	Canning College, Lucknow.
	„ Girishchandra	18-7	...	P. Gupenathpur School.
	„ Hemchandra	21	...	City School.
	„ Hemchandra	16	...	Dacca Collegiate School.
	„ Jogeschandra	19	...	Midnapur Collegiate School.
	„ Kailashchandra	18	...	Pubna Zilla School.
	„ Kasisankar	19	...	Abdul Gunny's Free School.
	„ Makhanlal	20	...	Free Church Institution, Chinsurah.
	„ Makhanlal	19	...	Utterparah School.
	„ Nagendrakumar	18	...	Faridpur Zilla School.
440	„ Prabhatchandra	18-6	...	Chittagong Collegiate School.
	„ Ramchandra	17	...	Rajshahye Collegiate School.
	„ Saradindu	18	...	Hugli Branch School.
	„ Srinath	19-7	...	Beerbhoom School.
	Raychaudhuri, Saradacharan	18	...	Dinagepur Zilla School.
	Rebeiro, J. D.	16	...	Doveton College.
	Rudra, Saratchandra	17	...	Hindu School.
	Sadhukhan, Ramanath	19	...	Baraset Government School.
	„ Sibchandra	17	...	Ditto.
	„ Syamacharan	18	...	Gobardanga School.
450	Saha, Bidhubhushan	17	...	Seal's Free College.
	„ Kedarnath	17	...	Free Church Institution, Calcutta
	Sabay, Jagatpal	18	...	Ranchi Zilla School.
	„ Raghubar	17	...	Church Mission School, Lucknow
	„ Jagdeb	19	...	Barare Higher Class English School.
	„ Mahabir	18	...	Patna Collegiate School.
	Sai, Haridas	20	...	City School
	Said Mumtaj Ali	19	...	High School, Lahore.
	Sanyal, Harinath	20	...	Rajshahye Collegiate School.
	„ Hemchandra	17	...	Benares College.
60	„ Tarinicharan	18	...	St. John's College, Agra.
	Sayyid Abdur Rowuf	17	...	Beerbhoom School.
	Sarkar, Adharchandra	17	...	Metropolitan Institution.
	„ Basantakumar	17	...	Harinabi A. S. School.
	„ Basantakumar	17	...	Malda Zilla School.
	„ Becharam	17	...	Barrackpur School.
	„ Benimadhab	16	...	M. A. O. College, Alligarh.
	„ Kumadinikanta	20	...	Jagannath School, Dacca.
	„ Kumadnath	18	...	Rajshahye Collegiate School.
	„ Lalitchandra	19	...	Kushtia English School.
70	„ Prasannakumar	17	...	Hare School.
	„ Rajaninath	17	...	Metropolitan Institution.
	Sen, Akshaykumar	19	...	Metropolitan Institution, Shampukur Branch.
	„ Annadacharan	18	...	Hare School.
	„ Banimadhab	17	...	Ditto.
	„ Bhubanchandra	21	...	Dacca Pogose School.
	„ Bishnuchandra	18-9	...	Beerbhoom School.
	„ Jatilchandra	22	...	Faridpur Zilla School.
	„ Karunachandra	17-6	...	Hare School.
	„ Kasichandra	21	...	Dacca Pogose School.

480	Sen, Rajendranath	18	...	Gazipur Mission School.
	„ Rameschandra	17	...	Faridpur Zilla School.
	„ Sasikumar	18	...	Hare School.
	„ Taraprasad	16	...	Hindu School.
	„ Uday Chandra	22	...	Dacca Pogose School.
	Sengupta, Purnachandra	18	...	Hugli Branch School.
	Set, Syamlal	18	...	Hindu School.
	Suraj Prakas	17	...	Benares College.
	Shaikh Farid	19	...	Free Church Institution, Nagpur.
	Sib Sankar	19	...	St John's College, Agra.
490	Sil, Jaharlal	18	...	Hare School.
	„ Kedarnath	19	...	Dacca Pogose School.
	Singh, Bapu Galab	20	...	Free Church Institution, Nagpur.
	„ H.	16	...	Doveton College.
	„ Haraprasad	22	...	Pratapgar High School.
	„ Haradaya	17	...	St. John's College, Agra.
	„ Lakshman	19	...	High School, Jubbulpur.
	„ Maharaj	19	...	Barcilly Collegiate School.
	„ Sanwant	19	...	Ajmere Government School.
	Sinha, Gabindalal	21	...	Kandi School.
500	„ Manilal	17	...	Hare School.
	„ Purnachandra	18	...	Bankura Government School.
	„ Raipada	17	...	Kuchiakole Radhaballabh Institution.
	„ Sasibhusan	18	...	Kandi School.
	Sukla, Rabidatta	19	...	Benares College.
	Sutradhar, Krishnakumar	18-9	...	Dacca Collegiate School.
	Slater, F. C.	18	...	Bishop Cotton's School, Simla.
	Sultan-ul-Haq	20	...	Government Zilla School, Meerut.
	Syiduddin Muhammad	20	...	Barisal Government School.
	Tagore, Ramkamal	20	...	Rajshahye Collegiate School.
510	Taraprasad	16	...	Allahabad High School.
	Tasorwoof Hossain	19	...	Agra College.
	Tej Singh	18	...	High School, Lahore.
	Thakur, Rajendranath	17	...	Hindu School.
	Ten Broeke, E. A.	18	...	La Martiniere College, Lucknow.
	Thomson, S. B.	16-2-18	...	Hugli Collegiate School.
	Tiwari, Durgaprasad	19	...	Patna Collegiate School.
	Tribhuban Nath	18	...	Canning College, Lucknow.
	Trimbak Wasudeo Apte	20	...	High School, Jubbulpur.
	Tydd, W.	16	...	St. James' School.
	Umraddin	19-3	...	District School, Hasiarpur.
520	Upadhya, Mahendranath	17	...	Jalpaiguri English School.
	Venayak, Damodar Bhide	19	...	City School, Nagpur.
	Vethecan, F.	17	...	St. Thomas' College, Colombo.
	Vishnu, Gangadhar Gadgil	17	...	High School, Jubbulpur.
	Vithal, Balkrishna Date	19	...	City School, Nagpur.
	Vithoba, Madhoba	20	...	Free Church Institution, Nagpur
	W. Setaram Samvasco,	18	...	Ditto ditto.
	Waris Ali	16	...	Katak Collegiate School.
	White, O.	17	...	Government High School, Rangoon.
530	Yaquinuddin Ahmed	16-6	...	Calcutta Madrasa.

THIRD DIVISION.

In Alphabetical Order.

1	Abdul Halim	18	...	Ray Barricly High School.
	„ Majeed	22	...	Calcutta Madrassa.
	Adhikari, Ramgati	20	...	Purulia School.
	Adhya, Dinabandhu	16	...	General Assembly's Institution.
	Allah Bakhsh	22	...	Mirat C. M. High School.
	Badripasad	17	...	Fyzabad Zilla School.
	Balkrishna Mungraj	18-6	...	Collegiate School, Katak.
	Bagchi, Debkanta	19	...	Simla Bengal Academy.
	„ Gurudas	19	...	H. C. E. School, Putia.
10	„ Mahimchandra	18	...	City School.
	Bappooji Nowroji Khumbatta	17-0-15	...	Zoroastrian School, Mhow.
	Baksi, Abinaschandra	17	...	Krishnaggur Collegiate School.
	Bal, Rajaninath	19	...	Zilla School, Sylhet.
	Balgobind	17	...	Ulwar High School.
	Banda, N. M.	19	...	Kandy Trinity College.

	Bandyopadhyay, Abinaschandra	19	...	Municipal School, Santipur.
	" Adharchandra	18	...	Shajehanpur High School.
	" Akshaykumar	18	...	Utterparah School
	" Anathnath	21	...	H. C. E. School, Baluti.
20	" Asutos	17	...	Municipal School, Santipur.
	" Chandrakumar	19	...	H. C. E. School, Lakhshipasa.
	" Chnnilal	20	...	Calcutta Institution.
	" Dakshinacharan	18	...	Zilla School, Comillah.
	" Harendra Nath	18	...	Hare School.
	" Hazarilal	18	...	A. V. School, Ranaghat.
	" Jogendranath	16	...	Indian Institution.
	" Kailaschandra	22	...	H. C. E. School, Bissenpur.
	" Kaliprassana	16	...	City School.
	" Krishnanath	21	...	Hare School.
30	" Kunjabihari	19	...	Hugli Branch School.
	" Manindrachandra	17	...	H. C. E. School, Banwariabad.
	" Radhicaprasad	19	...	A. V. School, Krishnagar.
	" Raicharan	19	...	City School.
	" Bajchandra	18	...	Zilla School, Faridpur.
	" Rajendranath	16-3	...	Allahabad High School.
	" Saradadas	17	...	Krishnagure Collegiate School.
	" Susilchandra	17	...	Metropolitan Institution.
	" Upendrachandra	19	...	Maharaja's School, Burdwan.
	Barati Lal	17	...	Sitapur High School.
40	Barya, Gunjanan	16-6	...	Zilla School, Sibsagar.
	" Jagannath	20	...	Ditto, Gauhati.
	Basak, Mahanchandra	17	...	Abdul Gunny's Free School.
	" Saradagopal	18	...	General Assembly's Institution.
	Basu Abinaschandra	18	...	Metropolitan Institution.
	" Aghornath	17	...	Suburban School, Kalighat.
	" Amritalal	19	...	Teacher.
	" Asutosh	18-1	...	Utterparah School.
	" Bijoykrishna	17	...	Hindu School.
	" Chandrakanta	19	...	Ruplal Rughonath School.
50	" Debendranath	18	...	Indian Institution.
	" Debendranath	17	...	A. S. School, Boroe.
	" Girischandra	19	...	Hugli Branch School.
	" Khagendranath	18	...	Suburban School, Kalighat.
	" Jogenaralal	17	...	Sanskrit Collegiate School.
	" Kesabchandra	18	...	Canning College, Lucknow.
	" Kumadnath	19	...	Grammar School, Chinsurah.
	" Kumadeswar	19	...	Dacca Pogose School.
	" Manahar	19	...	Bagnan School.
	" Mahinimohan	16	...	Canning College, Lucknow.
60	" Manmohan	20	...	Maharani Surnomoic's School, Ulipur.
	" Nabakrishna	23	...	Private student.
	" Nrityagopal	18	...	South Baharu School, H. C. E.
	" Priyanath, senior	18	...	Midnapore Collegiate School.
	" Purnachandra	19	...	Zilla School, Dinagepur.
	" Sasikanta	19	...	Ditto, Bogra.
	" Satischandra	16	...	Sreedharpore H. C. E. School.
	" Surendranath	19	...	L. M. S. Institution, Bhowanipur.
	" Tarinicharan	17	...	Teghoria Zilla School.
	Benayak Rao	21	...	Rutlam Central College.
70	Beniprasad	18	...	Chapra Zilla School.
	Bhar, Srischandra	17	...	General Assembly's Institution.
	Bhatta, Sadhuram	22	...	Missiou School, Gazipur
	Bhattacharyya, Haridas	17	...	Jagutbullabpur H. C. E. Institution.
	" Kesabchandra	18-6	...	H. C. E. School, Moheshpore.
	" Krishnanath	20	...	Midnapore Collegiate School.
	" Nandalal	32	...	Teacher.
	" Priyanath	19	...	Government School, Jessore.
	" Taraprasad	17	...	Hindu School, Navadwip.
	" Umeshchandra	18	...	H. C. E. School, Naral.
80	Bhupnarayan	19	...	Christ Church School, Cawnpur.
	Bhura Mal	18	...	Maharajah's College, Jeypur.
	Biswas, Dinanath	17	...	Government Zilla School, Mymensing.
	" Trailokyanath	18	...	H. C. E. School, Naral.
	Brindaban	21	...	Benares College.
	Chaki, Jogendranath	18	...	L. M. S. School, Khagra.
	Chakrabarti, Asutosh	19	...	Joynuggur Institution.
	" Askhaykumar	18	...	L. M. S. Institution, Bhowanipur.

	Chakrabarti, Benimadhab	23	...	Teacher.
	" Harihar	19	...	Patna Collegiate School.
90	" Madhusudan	18	...	H. C. E. School, Serajgunge.
	" Pranbandhu	18	...	H. C. E. Koomarkhali.
	" Radhanath	20	...	A. S. School, Boroe.
	" Ramgobinda	19	...	Zilla School, Pubna.
	" Ramtrahi	18	...	Harrinavi A. S. School.
	" Sahayram	17-6	...	Hare School.
	" Sasibhushan	19	...	Zilla School, Faridpur.
	" Srischandra	18	...	Krishnagur Collegiate School.
	" Suryyanarayan	21	...	H. C. E. School Pandra.
	" Syamsundar	19	...	Jenkin's School, Cooch Behar.
100	Chattopadhyay, Abinaschandra	17	...	Suburban School, Kalighat.
	" Abinaschandra	17-4	...	Utterparah School.
	" Ambikacharan	20	...	H. C. E. School, Serajgunge.
	" Bipinbihari	16	...	Allahabad High School.
	" Debendranath	17	...	Krishnagur Collegiate School.
	" Debendrachandra	19	...	Ditto ditto.
	" Gaganchandra	20	...	Saradaprasad Institution, Chackdighi.
	" Haridas	18	...	Calcutta Training Academy.
	" Jogendramohan	18	...	Free Church Institution, Calcutta.
	" Jogendranath	21	...	H. C. E. School, Jehanabad.
110	" Manmathanath	22	...	H. C. E. School, Bagirhat.
	" Nandalal	16-3	...	Metropolitan Institution, Shampuker Branch.
	" Narayanchandra	17	...	Sibpore H. C. E. School.
	" Nepalchandra	17	...	H. C. E. School, Daulatpur.
	" Prabhaschandra	19	...	Private Student.
	" Rajendralal	17	...	English School, Chatra.
	" Ramsankar	18	...	Government School, Bankura.
	" Trailokhyanath	17	...	Metropolitan Institution.
	Chaturbedi, Tarachand	22	...	St. John's College, Agra.
	Chaube, Abadhesh	23	...	Mirzapur Zilla School.
120	Chaudhuri, Chandranarayan	17	...	Jenkin's School, Cooch Behar.
	" Gopalchandra	19	...	Rungpur Collegiate School.
	" Gopalchandra	20	...	Rajshahye Collegiate School.
	" Gopalchandra	18	...	Purulia School.
	" Mathuraprasad	17	...	Allahabad Zilla School.
	" Padmalochun	20	...	Zilla School, Sylhet.
	Choga Lal	20	...	Maharajah's College, Jeypur.
	Dam, Abhayacharan	21	...	Zilla School, Sylhet.
	Das, Asutosh	20	...	Aryan School.
	" Bhabanikanta	18	...	Gowalparah Zilla School.
130	" Biharilal	17	...	Lokenath H. C. E. School, Balasore.
	" Brajanath	18	...	Mission School, Gazipur.
	" Bipinchandra	21	...	Santos Jahnvi School.
	" Chandranath	21	...	Zilla School, Sylhet.
	" Gobindachandra	17	...	Hare School.
	" Jogneswar	19-3	...	Utterparah School.
	" Gupta, Kamini Mohun	18	...	English School, Kalia.
	" Kanai Lal	16-7	...	Benares College.
	" Ramchandra	19	...	Government School, Barisal.
	" Satischandra	18	...	Zilla School, Faridpur.
140	" Sibkrishna	17	...	Hindu School.
	Daspothdar, Haridas	17	...	Sumbhoonath School, Chatmohor.
	Datta, Abautinath	18	...	Zilla School, Sylhet.
	" Amirto Lal	17	...	Metropolitan Institution.
	" Akshayprasad	17	...	Hindu School.
	" Bankabihari	18	...	H. C. E. School, Daulatpur.
	" Gurudas	22	...	Santos Jahnvi School.
	" Jagannath	18	...	Zilla School, Puri.
	" Nrityagopal	17	...	Hindu School.
	" Pareschandra	19	...	General Assembly's Institution.
150	" Prasannakumar	18	...	Maharaja's School, Burdwan.
	" Raicharan	18	...	General Assembly's Institution.
	" Rajanikanta	18	...	Metropolitan Institution, Shampuker Branch.
	" Saratchandra	17	...	Sanskrit Collegiate School.
	Davies, H.	17	...	La Martiniere College, Lucknow.
	Deb, Balkrishna Narayan	21	...	Indore English School.
	De, Binodbihari	18	...	Scal's Free College.
	" Debendronath	17-7	...	City School.
	" Durgacharan	20	...	Zilla School, Comilla.
	" Gangacharan	18	...	Nizamut School, Moorshedabad.

160	De, Purnachandra	18	...	Useful Arts School.
	" Priyanath	17	...	Hugli Collegiate School.
	Debi, Chand	21	...	Lahore High School.
	" Prasad	18	...	Patna Collegiate School.
	Dineswari Prasad	19	...	H. C. E. School, Pachamba.
	Dikshit, Sebadhar	18	...	Cawnpore Zilla School.
	Dube, Baijnath	22	...	Jubbulpur High School.
	" Ramchand	18	...	Ditto.
	Dyal, C. M.	17-8	...	Church Mission High School, Gorruckpur.
	Eakir Chand	19	...	Hoshiarpur District School.
170	Fattehbadhur	21	...	High School, Gondah.
	Fazl Karim	17	...	L. M. High School, Benares.
	Gabinda Dadoba Bhojraj	18	...	Nagpur City School.
	Gangopadhyay, Karunamay	17	...	L. M. S. Institution, Bhowanipur.
	" Narendranath	18	...	Mooragacha School.
	Gardiner, W. J.	19	...	La Martinicre College, Lucknow.
	Ghatak, Kailas Chandra	17	...	Zilla School, Mymensing.
	Ghosh, Abinashchandra	19	...	South Baharu School.
	" Asutosh	19	...	Utterparah School.
	" Bidhubhushan	17	...	Government School, Jessore.
180	" Gurudas	16-6	...	Zilla School, Gya.
	" Hemchandra	20	...	Oriental Seminary.
	" Hemchandra	17	...	L. M. S. Institution, Bhowanipur.
	" Indranarayan	21	...	Kandi School.
	" Kalinath	16-9	...	Hugli Collegiate School.
	" Kunjabihari	17	...	Metropolitan Institution.
	" Narendranarayan	17	...	Ditto ditto Shampuker Branch.
	" Narendranath	17	...	Dacca Collegiate School.
	" Nityananda	18	...	Government School, Bankura.
	" Pyarilal	20	...	Zilla School, Pubna.
190	" Ramlal	22	...	H. C. E. School, Taki.
	" Satishchandra	18	...	Pogose School, Dacca.
	" Syamacharan	21	...	Jagannath School, Dacca.
	" Upendralal	20	...	Beerbhoom School.
	Ghosal, Basantakumar	18	...	Utterparah School.
	" Binodchandra	16	...	Canning College, Lucknow.
	Ghancsyam	20	...	Central College, Rutlam.
	Girdhari Lall, II	18	...	Amritsar District School.
	Gokul Prasad	17	...	St. Peter's College, Agra.
	Gooneratna, C.	19-5	...	St. Thomas' College, Colombo.
200	Goswami, Brajalal	20	...	Hindu School, Navadip.
	" Hemchandra	18	...	Utterparah School.
	" Jogendrakumar	20	...	Municipal School, Santipur.
	" Umeschandra	18	...	Scrapur College.
	Guha, Jadunath	18	...	Zilla School, Faridpur.
	" Mahadeb	21	...	H. C. E. School, Khulna.
	" Saratchandra	17-2	...	Training School, Dehra Doon.
	Gupta, Anritalal	16	...	Hare School.
	" Brajendramohan	17	...	Church Mission School, Calcutta.
	" Harischandra	20	...	Seal's Free College.
210	" Hemendranath	18	...	Sanskrit Collegiate School.
	" Kisorimohan	18	...	H. C. E. School, Banwariabad.
	Gulal Chand	19	...	Hume's High School, Etawah.
	Gupta, Piyarimohan	20	...	Metropolitan Institution.
	Halder, Bipinbihari	17	...	Sibpur Higher Class English School.
	" Pyarimohan	19	...	Chinsurah Free Church Institution.
	" Probodhchandra	18-9	...	Hugli Branch School
	Hariprasad	20	...	Zilla School, Mozufferpore.
	Hearne, C.	18	...	La Martinicre College, Lucknow.
	Hossain-Ali-Khan	26	...	Agra College.
220	Inayet Hosain	18	...	Cawnpur Zilla School.
	Iswari Prasad	19	...	Canning College, Lucknow.
	Jawahirlal	17	...	Benares College.
	Jaha, Kirtichandra	18	...	Zilla School, Deoghur.
	Jahari, Matilal	17	...	Hindu School.
	Kahanchand	18	...	Guzrauwallah Mission School.
	Kadbair Mal	20	...	Collegiate School, Bareilly.
	Kar, Sasibhushan	19	...	Ranchi Zilla School.
	Karmakar, Dharanidhar	20	...	Moorogacha School.
	Kesab Das	23	...	St. Peter's Church Mission School, Allahabad.
230	Khizraddin Ahmed	18	...	Calcutta Madrassa.
	Khan, Ruplal	17-6	...	Anglo-Vernacular School, Krishnaghur.
	Khushiram	17	...	Peshwar Mission School.

	Kishanlal	20	...	Mirat Church Mission High School.
	Kisorilal	19	...	Bareilly Collegiate School.
	Kisholal	18	...	Jubbulpur, High School.
	Krishna Rao	18	...	Bengalitolah Preparatory School.
	Kumar, Lajschandra	23	...	H. C. E. School, Jehanabad.
	Kundu, Iswaracharan	17	...	Benares College.
	Lahiri, Jannendranath	16	...	Howrah School.
210	Laskar, Jadunath	17-9	...	H. C. E. School, Jhainidah
	Law, Makhanlal	19	...	Chinsura Free Church Institution.
	Mohanlal	17	...	M. A. O. College, Alligarh.
	Mahabirprasad	20	...	Benares College.
	Maiti, Dwarkanath	19	...	Balasore Zilla School.
	Maitra, Baradagobinda	19	...	Higher Class English School, Putia.
	„ Chandranath	19	...	Rajshahye Collegiate School
	„ Indubhushan	17	...	Midnapore Collegiate School.
	„ Jogendralal	20	...	Private Student.
	Majumdar, Haraprasanna	19	...	Zilla School, Noakholly.
250	„ Trailokynath	17	...	Jagannath School, Dacca.
	M. Makdum Hosain	19	...	M. O. A. College, Alligarh.
	Mallik, Asutosh	17	...	Albert School.
	„ Jyotindra Chandra	18	...	Higher Class English School, Katwa.
	„ Krishnalal	19	...	Hindu School.
	„ Kunjalal	19	...	Ditto.
	„ Kunjalal	17	...	Hooghly Collegiate School.
	„ Surendrakumar	17	...	Hazaribagh Zilla School.
	Martin, A. C.	17	...	Armenian Philanthropic Academy.
	Mat, Arunchandra	20	...	Santipore Municipal School.
260	Matabadul	17	...	Pratapgar High School.
	Mathuraprasad Nagar, I	21	...	Allahabad High School.
	Mehta, Bijay sankar	18	...	Jabalpore High School.
	Mills, T.	16	...	La Martiniere College, Calcutta.
	Minus, S.	18	...	St. Xavier's College
	„ S. M.	18	...	Government High School, Rangoon.
	Misra, Sarjuprasad	16	...	Hardui High School.
	Mitra, Basantakumar	18	...	Higher Class English School, Daulatpur.
	„ Charuchandra	16	...	Sanskrit Collegiate School.
	„ Charuchandra	17	...	Hindu School.
270	„ Gopal Chandra	19	...	Church Mission School, Calcutta.
	„ Girindranath	17	...	English School, Burdwan.
	„ Haradhan	17	...	Katak Collegiate School.
	„ Jogendranath	19	...	General Assembly's Institution.
	„ Kalipada	19	...	Bagnan School.
	„ Kisorimohan	18	...	Hare School.
	„ Naraschandra	16	...	Ranchi Zilla School.
	„ Priyanath	18	...	Garden Reach School.
	„ Priyanath	19	...	Simla Bengal Academy.
	„ Radhanath	19	...	Oriental Seminary.
280	„ Rashbehari	19	...	Calcutta Training Academy.
	„ Shibchandra	20	...	Hare School.
	„ Syamalal	20	...	Radhaballub Institution, Kuchiakole.
	Mitter, J. F. C.	17	...	Doveton College.
	Mustafi, Monmothanath	18	...	Purulia School.
	Muhammad Akram-ul-Haq	20	...	Patna Collegiate School.
	Muhammed Ali	19	...	Farakabad Zilla School.
	Muhammed Rafique	17	...	M. A. O. College, Alligarh.
	Mumtaz Masiq	21	...	St. John's College, Agra.
	Muhamud Sidkiq	21	...	Paul's School, Backergunge, N.-W. Provinces.
290	Muhamud Abdulla	19	...	Calcutta Madrasa.
	Mukhopadhyay, Ashutosh	20	...	Private Student
	„ Banapada	19	...	Calcutta Training Academy.
	„ Bireswar	18	...	L. M. S. Institution Bhowanipore.
	„ Charucharan	18	...	Mozufferpore Zilla School.
	„ Gopalchandra	16-6	...	Hare School.
	„ Gurupada	18-11	...	Uterparah School.
	„ Heralal	17	...	Kasinath School, Kasipore.
	„ Jadunath	17-6	...	Uterparah School.
	„ Jogeschandra	16	...	Berhampore Collegiate School.
	„ Jagatchandra	20	...	Patna Collegiate School.
	„ Jogendrachandra	23	...	Ruplal Raghunath School.
	„ Kalisankar	17	...	Hindu School.
	„ Kamakshyaprasad	19	...	Mission School, Behala.
	„ Matilal	15-11	...	Residency College, Indore.
	„ Manindramohan	19	...	St. Xavier's College.

	Mukhopadhyay, Kedarnath	17	...	Metropolitan Institution.
	" Nilkanta	17-3	...	Barisa School.
	" Nripalchandra	20	...	Private student.
	" Pratapnarayan	17	...	Uterparah School.
310	" Sanatkumar	19	...	Gauhati Zilla School.
	" Saratchandra	17	...	Bengalitola Preparatory School, Benares.
	Mul Chand	18	...	Amritsar District School.
	Nag, Prasannakumar	18	...	L. M. School, Midnapore.
	Nandalal	17	...	Hume's High School, Etawah.
	Narayanprasad	18	...	Superior Zilla School, Mathura.
	Nandi, Rajkumar	18	...	Sylhet Zilla School.
	Nand Ram	17-6	...	Bareilly Collegiate School.
	Neba Ram	18	...	Jhang Upper School.
	Nestor, R. L.	16	...	St. Paul's School, Darjeeling.
320	Nilkant Apaji Tilve	21	...	Private student.
	Nivsarkar Krishnaji Gobinda	19	...	English School, Indore.
	Niyogi, Harendranarayan	19	...	Jenkins' School, Cooch Behar.
	Páge, Gopal Mahadeo	18	...	Jabalpore High School.
	Pal, Gopalchandra	18	...	City School.
	Palchauthuri, Kunjabihari	17	...	Hindu School.
	Palit, Purnachandra	18	...	Katak Collegiate School.
	" Saratchandra	16	...	Bankura Government School.
	Pande, Bachchan	18	...	Benares College.
	" Sukhdeo	29	...	Baraich Zilla School.
330	Paudit Jagatnarayan	16	...	Canning College, Lucknow.
	" Badrinath	20	...	Hoshiarpore District School.
	Paramananda	20	...	Superior Zilla School, Mathura.
	Qazi Afsar-ud-deen Ahmad	19	...	Abdool Guny's Free School.
	Quth Alam	20	...	Fyzabad Zilla School.
	Radhakrishna	20	...	Teacher.
	Raghunandanprasad	19	...	Arrah School.
	Rakshit, Rajanikanta	20	...	Dacca Collegiate School.
	Ramabatar	19	...	Benares College.
	Rajaram	23	...	Patiala Maharaja's College.
340	Ram Nath	18	...	Ajnere Government College.
	Dighe Amrit Ram Chandra	20	...	High School, Dhar.
	Ramprasad	22	...	Benares College.
	Ray, Akshaykumar	19	...	Radhabullab Institution, Kuchiakole.
	" Gaganchandra	18-9	...	Bareilly Collegiate School.
	" Gopalchandra	18	...	Bogra Zilla School.
	" Hemchandra	19	...	Pogose School, Dacca.
	" Jadunath	19	...	Sanskrit Collegiate School.
	" Jogendranarain	18	...	Hazaribagh Zilla School.
	" Koilaschandra	20	...	Government Zilla School, Mymensingh.
350	" Khirodnath	18	...	Hare School.
	" Krishnachandra	19	...	Kandi School.
	" Naubat	18	...	Ludhiana Mission School.
	" Radhajiban	16	...	Free Church Institution, Calcutta.
	" Rajgopal	19	...	General Assembly's Institution.
	" Sadhucharan	18	...	Katak Collegiate School.
	" Srinath	19	...	Hindu School, Nabadip.
	" Suryyanarayan	18	...	Gazipur Victoria School.
	" Srishechandra	17	...	Ruplal Raghunath School.
	" Taruk Chand	22	...	Pogose School, Dacca.
360	" Taraprasanna	18	...	Zilla School, Jalpaiguri.
	" Tariniprasad	19	...	Jagannath School, Dacca.
	" Tariniprasad Gupta	19	...	Ditto.
	" Umeschandra	18	...	L. M. S. Institution, Bhowanipur.
	Rupa Swami, T.	18	...	Nagpur Free Church Institution.
	Rura Ram	20	...	Hoshiarpur District School.
	Sa, Rajendranath	17	...	Nizamut School, Moorsheadabad.
	Saha, Umeschandra	20	...	Higher Class English School, Lakshunipore.
	Sahay, Bhabani	18	...	Patna College School.
	" Kalka	18	...	Bareilly Collegiate School.
370	" Lachhman	20	...	Arrah School.
	" Ramanigraha	19	...	Gazipur Mission School.
	Salagram	18-9	...	Benares College.
	Sambasio Krishna Jakate	17	...	Nagpur Free Church Institution.
	Santra, Maailal	18	...	Prannath School, Satkhira.
	Sanyal, Harilal	18	...	Krishnagar Collegiate School.
	Sarkar, Chintamoni	17	...	Maharaja Narendra Krishna H. C. E. School, Hatigunj.
	" Jogendranath	17	...	L. M. S. Institution, Baduria.

	Sarkar, Nilratan	18	...	General Assembly's Institution.
	Sarupnarayan	20	...	Fyzabad Zilla School.
380	Sen, Annadaprossanna	22	...	Abdool Guny's Free School.
	„ Anantapath	20	...	Zilla School, Commilla.
	„ Abinas Chandra	18	...	Government School, Barasat.
	„ Binodbehari	18	...	Krishnagar Collegiate School.
	„ Haracharan	19	...	Abdul Guny's Free School.
	„ Hemnath	19	...	Suburban School, Kalighat.
	„ Kailaschandra	21	...	Pogose School, Dacca.
	„ Kalicharan	17	...	Gauhati Zilla School.
	„ Kamakshyanath	16	...	L. M. S. Institution, Bhowanipur.
	„ Mahendranath	19	...	Entally Institution.
390	„ Narayankrishna	19	...	General Assembly's Institution.
	„ Pareschandra	18	...	Monghyr Zilla School.
	„ Rameschandra	19-6	...	Chittagong Collegiate School.
	„ Sasibhushan	18	...	Hooghly Collegiate School.
	„ Ramlal	17	...	Gauhati Zilla School.
	„ Sureschandra	18	...	Hare School.
	„ Upendranath	18	...	L. M. S. Institution, Bhowanipore.
	Sengupta, Nobinchandra	23	...	Jagannath School, Dacca.
	Sil, Haridas	17	...	Hindu School.
	„ Krishnadas	18	...	Ditto.
400	Singh, Dhan	19-9	...	Bareilly Collegiate School.
	„ Hera	18	...	Gujrat Government School.
	„ Indrajit	19	...	Pratapgar High School.
	Sinha, Debendranath	18-8	...	Hare School.
	„ Digamber	23	...	Bankura Government School.
	„ Dwarkanath	19	...	Purulia School.
	„ Gajraj Sinha Kishen	20	...	Nagpur Free Church Institution.
	„ Nrityagopal	17-6	...	Hare School.
	„ Raghuber	19	...	Benares College.
	Spencer, T.	16	...	St. Xavier's College.
410	Sujjad Hossain	18	...	Delhi District School.
	Swaminath	18	...	Bulrampur Zilla School.
	Syam, Baradacharan	16	...	Sylhet Zilla School.
	Syed, Ahmed Hosain	18	...	Zilla School, Pubna.
	„ Bakir Ali	21	...	M. O. A. College, Alligarh.
	„ Abdullah	20	...	Agra College.
	„ Wajid Ali	16	...	Ray Bareilly High School.
	Talibuddin, Ahmed	20	...	Hare School.
	Talukdar, Harendrachandra	17	...	Government Zilla School, Mymensing.
	Tewari, Mattanlal	19	...	Jabalpur Church Mission High School.
420	Tewariram, Gobinda Dani	16	...	Ranchi Zilla School.
	Thomson, L. A.	19-3	...	Hugli Collegiate School.
	Tripathi, Antatran	18	...	Puri Zilla School.
	Waizul, Haq	23	...	Patna Collegiate School.
	Wrafter, E.	16	...	St. George's College, Mussouri.
425	Zillur, Rahim	19-6	...	Gya Zilla School.

SENATE HOUSE,
The 6th January 1880.

CHARLES H. TAWNEY,
Registrar.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st December 1879.

PARTICULARS.	4 PER CENT. LOANS						4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN SHILLINGS 4½ PER CENT. PER CENT. PORTION.	5 PER CENT. DRAIN- TURN FOR 15 YEARS, REPAYABLE JUNE 1882.	5 PER CENT. LOAN OF 1884-85.	5½ PER CENT. LOAN OF 1889-90.	TOTAL AMOUNT.	
	3½ PER CENT. LOAN OF 1863-64.	OF 1824-25.	OF 1828-29.	OF 1832-33.	OF 1836-36.	OF 1842-43.	Of 1864-66.	Transfer of 1865.	REDUCED 4 PER CENT. LOAN OF 1879.	OF 1870.						OF 1871.	OF 1873.	TRANSFER LOAN OF 1879, 4½ PER CENT. POR- TION.
Balance of 15th December 1879	55,900	39,508	2,346	15,68,640	30,84,600	2,47,63,900	1,13,55,500	2,07,13,200	3,10,45,900	40,02,940	3,60,500	97,75,800	58,700	69,800	5,54,000	19,09,56,000
<i>Add—</i>																
Amount enfaced at Madras between 16th and 31st December 1879 . . . .	...	...	...	...	...	33,000	...	25,200	...	5,000	...	...	21,000	...	...	89,300
Amount enfaced at Bombay between 16th and 31st December 1879 . . . .	...	...	...	...	1,000	40,000	2,000	71,500	8,000	500	...	1,500	12,500	...	...	1,27,000
Amount enfaced at Calcutta between 16th and 31st December 1879 . . . .	...	...	...	...	900	20,000	4,000	7,000	32,400	9,000	1,000	12,500	2,16,500	...	...	3,03,500
<i>Deduct—</i>																
Amount written off in the London Registers	55,900	39,508	2,346	15,68,640	30,86,500	2,48,61,500	1,13,94,500	2,08,10,000	3,10,58,400	40,17,400	3,61,500	97,89,800	58,700	69,900	5,54,000	19,11,94,700
Balance on 31st December 1879	55,900	39,508	2,346	15,68,640	30,53,500	2,45,73,900	1,13,69,600	2,05,51,900	3,10,77,900	40,17,400	3,61,500	97,81,900	58,700	69,900	4,69,500	19,04,42,000

NOTE.—From 9th June 1867 to 31st Oct. 1879, enfaced from India, 3,539 lakhs; re-transferred from London, 3,156 lakhs.

" 1st Nov. 1879 to 15th Nov.	" "	61	" "	" "	4	"
" 16th Nov. " to 30th Nov.	" "	27	" "	" "	6	"
" 1st Dec. " to 15th Dec.	" "	32	" "	" "	2	"
" 16th Dec. " to 31st Dec.	" "	5	" "	" "	7	"
		3,734 lakhs.				3,175 lakhs.
		3,175 "				
		659 lakhs.				

Balance against India

PUBLIC DEBT OFFICE,
BANK OF ENGLAND;
Calcutta, 8th January 1880.

R. HARDIE,
Secretary and Treasurer.

COMPTROLLER GE

No. 1962.—Account of the Revenue and Expenditure of the Government of India for the

N. B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1879-80.	April to July 1878	April to July 1879.	COMPARISON OF TWO YEARS.	
				Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	21,945,000	7,381,108	7,463,235	82,127	...
II.—Tributes	703,000	234,831	227,704	...	7,127
III.—Forest	670,400	76,008	110,492	34,484	...
IV.—Excise on Spirits and Drugs	2,742,000	860,778	947,621	86,843	...
V.—Assessed Taxes	896,000	13,600	430,412	416,812	...
VI.—Provincial Rates	2,740,000	887,663	960,835	73,172	...
VII.—Customs	2,248,000	729,353	696,695	...	32,658
VIII.—Salt	7,000,000	1,923,596	2,349,769	426,173	...
IX.—Opium	9,000,000	3,283,237	3,231,872	...	48,365
X.—Stamps	3,987,000	1,116,708	1,135,340	18,632	...
XI.—Mint	180,000	71,944	93,268	21,324	...
XII.—Post Office	983,000	281,283	332,385	51,102	...
XIII.—Telegraph	357,000	21,399	103,143	81,744	...
XIV.—Minor Departments	32,400	6,036	14,210	8,174	...
XV.—Law and Justice	888,000	280,376	282,802	2,426	...
XVI.—Police	233,000	23,137	70,215	47,078	...
XVII.—Marine	206,000	53,651	48,547	...	5,107
XVIII.—Education	139,000	36,468	47,876	11,408	...
XIX.—Medical	37,500	12,795	18,798	6,003	...
XX.—Stationery and Printing	46,000	8,422	13,731	5,309	...
XXI.—Interest	624,000	217,503	268,004	50,501	...
XXII.—Pensions	430,500	42,051	41,924	2,873	...
XXIII.—Miscellaneous	328,100	40,916	89,260	48,344	...
XXXI.—Gain by Exchange	431,000	110,843	148,056	37,213	...
TOTAL	55,946,900	17,713,709	19,132,194	1,418,485	...
XXX.—Army	844,500	242,067	301,667	59,600	...
XXIV.—Public Works Ordinary	461,000	68,532	110,733	42,201	...
XXV.—Irrigation	785,500	38,360	49,713	11,353	...
XXVI.—Traffic Receipts (Guaranteed Railways) less Gain by Exchange	10,305,700	3,073,070	3,200,222	127,152	...
XXVII.—State Railways	1,240,000	265,525	378,051	112,526	...
XXIX.—Provincial and Local Deficits	201,600	...	...	...	...
XXVIII.—Madras Canal	2,000	...	...	...	...
TOTAL	69,787,200	21,401,263	23,172,589	1,771,317	...
England, including Army and Public Works Ordinary...	213,100	71,075	76,539	5,464	...
GRAND TOTAL	70,000,300	21,472,338	23,249,119	1,776,781	...

COMPTROLLER GENL.'S OFFICE ;
CALCUTTA,
The 7th January 1880.

E. W. KELLNER,
Deputy Comptroller General.

GENERAL OFFICE.

fourth month of the year 1879-80, as compared with the corresponding period of 1878-79.

sterling (Rs. 10 to the pound sterling).

EXPENDITURE.	Estimates, 1879-80.	April to July 1878.	April to July 1879.	COMPARISON OF TWO YEARS.	
				Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,684,500	791,452	959,261	167,809	...
2.—Interest on Service Funds	385,000	66,520	69,310	2,790	...
3.—Refunds and Drawbacks	356,000	123,168	125,657	2,489	...
4.—Land Revenue	3,035,300	897,981	983,955	85,974	...
5.—Forest	505,900	77,589	100,005	22,416	...
6.—Excise	118,000	28,927	42,216	13,289	...
7.—Assessed Taxes	29,000	4,940	13,192	8,252	...
8.—Provincial Rates	53,000	55,212	14,283	...	40,959
9.—Customs	203,000	65,948	65,498	...	540
10.—Salt	383,000	168,542	115,654	...	52,888
11.—Opium	2,499,100	891,435	1,132,660	241,225	...
12.—Stamps	74,900	26,671	27,416	745	...
13.—Mint	87,300	41,400	29,078	...	12,322
14.—Post Office	983,300	293,429	331,023	40,594	...
15.—Telegraph	392,200	69,764	118,419	57,655	...
16.—Administration	1,279,000	407,433	422,520	15,087	...
17.—Minor Departments	346,000	97,537	107,619	10,082	...
18.—Law and Justice	3,379,500	1,143,701	1,122,408	...	21,293
19.—Police	2,472,000	779,812	788,207	8,395	...
20.—Marine	396,900	151,927	112,000	...	39,927
21.—Education	1,021,500	294,018	299,710	5,692	...
22.—Ecclesiastical	159,900	51,489	50,643	...	846
23.—Medical	679,000	192,141	201,405	9,264	...
24.—Stationery and Printing	345,900	81,389	96,598	15,199	...
25.—Political	375,700	106,403	118,200	11,797	...
26.—Allowances	1,887,900	410,265	466,881	56,616	...
27.—Civil Furlough and Absentee Allowances	2,000	1,255	1,175	...	80
28.—Superannuation	634,900	229,121	248,226	18,905	...
29.—Miscellaneous	245,000	72,340	93,254	20,914	...
30.—Famine Relief	10,000	52,532	11,178	...	41,354
38.—Loss by Exchange	3,952,000	1,066,936	921,463	...	145,473
TOTAL	29,980,000	8,732,617	9,192,024	459,407	...
37.—Army	14,135,300	3,967,844	4,412,101	444,257	...
31.—Public Works Ordinary	4,752,200	779,821	611,295	...	138,526
32.—Irrigation	1,034,800	305,951	265,287	...	40,664
Working Expenses (Guaranteed Railways), less Loss by Exchange.	5,444,700	1,393,179	1,226,814	...	166,365
33 { Surplus Profit paid to Railway Companies, less Loss	706,800	361,245	192,071	...	172,174
Guaranteed Interest in India, less Loss	14,000	8,298	5,659	...	2,639
Land and Supervision	75,700	21,666	21,084	...	582
34.—State Railways	995,000	233,137	342,007	108,870	...
36.—Provincial and Local Surpluses	16,800	...	...	...	...
35.—Madras Canal	...	...	...	...	...
TOTAL	57,155,300	15,806,758	16,298,342	491,584	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,246,200	5,099,097	4,961,151	...	137,646
TOTAL	71,401,500	20,905,855	21,259,793	353,938	...
Productive Public Works.					
Capital Expenditure in India	2,720,700	958,806	701,281	...	257,525
Ditto ditto in England	779,300	186,477	151,807	...	31,670
TOTAL	3,500,000	1,145,283	853,088	...	289,195
GRAND TOTAL	74,901,500	22,051,138	22,115,881	61,743	...

W. WATERFIELD,
Offg. Comptroller General.

COMPTROLLER GENERAL'S OFFICE,—Treasury Account Branch.

NOTIFICATION.

Calcutta, the 3rd January 1880.

The following Account is published in accordance with the Law :—

Amended Account of the Profits of the Currency Note Circulation and of the Charges and Expenses incidental thereto during the year 1878-79, or from April 1878 to March 1879, made up as required by Section 20 of the Indian Paper Currency Act, 1871.

Dr.

Cr.

CHARGES AND EXPENSES.	Rs.	A.	P.	PROFITS.	Rs.	A.	P.
Salaries of Commissioners and Assistant Commissioners, &c.	41,589	9	4	Interest on Government Securities	23,77,573	10	7
Establishment	1,60,804	5	0	Premium on Bills	16,392	5	0
Temporary Establishment	11,179	4	2	Miscellaneous Receipts	1,529	12	7
Travelling Allowance	74	11	0				
Charges for Remittance	1,04,920	7	8				
Stationery	2,668	12	6				
Printing Charges	2,589	2	5				
Service Telegrams	2,023	0	0				
Purchase of Service Postage Stamps	1,439	4	6				
House, Lighting, Police and Water-rates	5,396	13	0				
Cost of Note Forms	1,58,954	10	0				
½ Freight on Europe Stores	26	14	0				
Pensions and Gratuities	3,294	10	0				
Cost of Repairs, &c., to Currency Buildings	7,865	8	11				
Cost of Chests, Bags and Locks	1,081	3	3				
Dead Stock (Cost of Office Furniture, &c.)	2,452	11	9				
Contingencies	8,428	5	8				
Discount on Bills	3,906	4	0				
Compensation for Dearness of Provisions	214	10	2				
	5,18,910	3	4				
Profit of Note Circulation for 1878-79	18,76,585	8	10				
RUPREES	23,95,495	12	2	RUPREES	23,95,495	12	2

E. E.,

W. WATERFIELD,
Offg. Comptroller General.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.			
Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
H1	... M 33—85409	20	Ramchandra Deorao, Bagevadi.
H2	... M 2—11652	5	V. Ramaswamy, Cattamputty.
H3	... M 34—52911	20	Anant Vishnu Godbolay, Sangola.

BOMBAY,
The 6th January 1880. }

W. WELLS,
Asst. Commissioner.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Notes.	Value.	Name of Claimant.
95	... E 13—62235	100	Gurdit Singh, Sayad-ki-Sarai, Zilla Rawalpindi, Post Office Jutti, vid Murree.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
H173	... E 15—44510 } to ... 4524 }	50 each.	Captain M. M. Slade, President, Committee of Adjustment of late Dr. Clark, Rawalpindi.
178	... E 17—04974	20	Mr. S. Solomon, Simla.
180	... E 17—09049	20	
	... —09059	20	
	... —09060	20	Lieutenant T. V. W. Phillips, 1-8th B. A., Thull.
	... —09061	20	
	... —09062	20	
	E 16—62697	10	
M30	... E 17—09019 } ... —09235 }	20	Ram Singh and Chela Ram, Bankers, Rawalpindi.
33	... E 12—71818 } D 5—97318 }	20	B. L. Dutt, Multan.

LAHORE,
The 3rd January 1880. }

C. G. VANSITTART,
Asst. to Acct. Genl., in charge of Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value. Rs.	Name of Claimant.
329	... O 66-95818 ...	100	Babu Shamschurn Ghose.
330	... O 66-52101 ...	100	Mooluk Chand Ununt Ram.
331	... O 67-44029 ...	100	Raghoonath Roy and Dilsook Roy.
332	... O 66-15185 ...	100	Kunj Behari Lal.
333	... O 67-35688 ...	100	
336	... O 66-74868 ...	100	Babu Wooneschunder Chakravarti.
337	... O 24-14479 ...	20	Babu Satya Jivan Lahiri.
338	... O 30-45131 ...	50	Babu Tincouri Mitter.
339	... O 15-69572 ...	10	The Post Master, Bankipore.
	L 56-90662 ...	5	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
81	... L 21-56916 ...	5	Babu Ramkunnar Singh.
	L 22-14765 ...		
144	... L 9-58899 ...	5	Babu Chundernath Dutt.
	" -58898 ...		
207	... L 28-49604 ...	5	Priagjee.
	" -49605 ...		
209	... A 68-42906 ...	10	Messrs. Shaw, Finlayson & Co.
	A 67-17560 ...		
210	... L 55-88475 ...	5	Babu Gogonchunder Bose.
	" -88476 ...		
211	... L 28-38520 ...	5	Mr. Thos. D. M. Sinaes.
	" -38515 ...		
212	... L 10-53819 ...	5	Babu Jodunath Chunder.
	" -53825 ...		
214	... A 80-71900 ...	10	Babu Shibnarayon Nayaka.
	A 96-60851 ...		
215	... A 53-23223 ...	20	Hajee Moossa Hajee Jusb.
	" -83908 ...		
410	... O 29-20328 ...	1,000	Moolukchand Ununt Ram.
411	... O 25-20233 ...	20	Shaik Ishmail.
	L 54-08761 ...	5	
412	... L 22-13827 ...	5	Babu Kaminee Mohan Das.
413	... L 24-85298 ...	5	Shaik Hameeduddeen.
414	... O 56-97189 ...	20	Babu Krishnachunder Bysack.
415	... L 56-17135 ...	5	Babu Mohendranath Chakravarti.
416	... O 9-54412 ...	10	Babu Kalinath Banerjee.
417	... L 31-55772 ...	5	Purbatty Kahar.
418	... O 25-33176 ...	20	Maya Das, Constable.
419	... O 9-09617 ...	10	Babu Grishchunder Seal.
420	... L 56-82174 ...	5	Babu Dwarkanath Mukerjee.

CALCUTTA,
The 9th January 1880.

R. A. STERNDALÉ,

Assistant Commissioner of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 6th January 1880.

No. 8712.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, N.-W. PROVINCES.

Mr. C. S. Haygarth has been appointed Inspector of Post Offices, Bareilly Division.

Mr. F. J. Jordan has been appointed Inspector of Post Offices, Meerut Division.

Lala Odey Lal has been appointed Inspector of Post Offices, Benares Division.

Lala Peary Lal has been appointed Inspector of Post Offices, Allahabad Division.

Lala Brij Lal has been appointed Inspector of Post Offices, Fatchgarh Division.

Mr. R. G. Haygarth has been appointed Inspector of Post Offices, Cawnpore Division.

Lala Debi Prosad has been appointed Superintendent, Dead Letter Office, N.-W. Provinces.

Mr. A. H. Sparling has been appointed Inspector of Post Offices, Gorakhpur Division.

Mr. F. W. Tytler to act as Inspector of Post Offices, Gorakhpur Division, *vice* Mr. Sparling, on deputation to the Punjab.

Mr. J. G. J. Hamilton has been appointed Inspector of Post Offices, Moradabad Division.

G. J. HYNES,

for Dir. Genl. of the Post Office of India.

The 9th January 1880.

SEA AND OVERLAND MAILS.

For	Box closes at	Date.	Per
		1880.	
Chittagong and Rassein	6 p. m.	10th Jan.	Str. <i>Ruprates</i> .
Rangoon, Moulmein and Straits.	6 "	10th "	Str. <i>Pemba</i> .
Akyab	6 "	10th "	Str. <i>Commilla</i> .
Madras, Ceylon, Singapore, Batavia and China	6 "	10th "	F. Str. <i>Meinam</i> .
Persian Gulf	6 "	12th "	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 "	12th "	Str. <i>Rajpootana</i> .
Overland Mail <i>via</i> Bombay	6 "	14th "	From Bombay.
Do. Book post and pattern packets	6 "	13th "	Do.
Rangoon, Moulmein and Straits	6 "	16th "	Str. ———.
Chittagong, Akyab, Kyauk Phyoo and Bussan	6 "	16th "	Str. ———.
Galle, Penang, Singapore, Hong-Kong, Shanghai and Yokohama, also for Batavia and certain Australian Colonies, <i>via</i> Fiji Islands, New South Wales, Queensland, and Victoria <i>via</i> Singapore	6 "	17th "	From Bombay.

N. B.—The Letter Box will close at 6 p.m. precisely, after which hour Overland Letters fully prepaid and bearing an extra postage stamp of two (2) annas on each cover will be received up to 6-30 p.m., or bearing an extra postage stamp of four (4) annas on each cover up to 7 p.m.

List of Unclaimed Letters lying in the Calcutta Post Office on the 9th January 1880.

Awanace, Revd. D.	Fisher, H. D., & Co.	Leonard, J. S.
Bick, J. M.	Frauz, J. D.	Lowrie, A. B.
Boileau, G.	Freilheim, H.	Mosley, Hubert.
Breumont, J.	Geary, A. F.	Nundy Brothers.
Bremmen, G. A.	Gillam, W.	O'Clarke, Mrs.
Cameron, P. L.	Gillet, G.	Peters, C. M.
Colley, Comerford, M.	Gray, C. W.	Ross, Mrs. C.
Corder, Hy.	Hakel, J.	Ray, Mrs.
Cooke, Mrs. K.	Heath, Mrs. R. H.	Ruckstuhl, T.
Cooper, F. S.	Humphreys, Miss.	Scanlan, Miss.
Coleman, G.	Jacob, A. M.	Steele, T. A. (17th Lancs.)
Cummlings, Mrs. R.	Justice, J. F.	Stewart, Mrs. T. G.
Darley, E. Gunner.	Ker, Hy. (care of Capt. J. Ker.)	Taylor, William.
Driver, J. M. C.	Kenna, Mrs.	Walsh, Miss E.
Duke, Miss L.	King, Thos. M.	Webb, A.
Echel, Richard & Co.		
Ewing, Charles.		

Letters marked "Care of Post Office, to be kept till called for."

Aretter, Robert.	Hammond, C. A.	Salton, G. W.
Bank, Thos.	Hing, Mrs. Eliza.	Sandeman, H. A.
Begley, Mrs. Mary Ann.	Holt, Mrs. C.	Sandford, J. E.
Brown, Geo., Ship Capt.	Hogan, D. F.	Scott, J. W.
Chaplin, R. H.	Holst, C.	Schiavone, Sigr. Carmelo.
Cherry, —	Jellett, J. H. (Royal Art.)	Schneider, Oswald Herm.
Chuckerpany.	Karkoo Ramdeen	Seillier, Madame.
Clare, Miss.	Jaffoda.	Shaw, C.
Clifton, Mrs. G.	Kerkovins, R.	Shaw, C. J.
Coton, George.	Lawler, James.	Silva, Harold.
Craig, E. R.	Lee, W. W.	Spenser, Robert.
Craime, W.	Lewis, Charles.	Spidd, John.
Crodiere, Antonio E.	Lord, Harry.	Stoddard, Hy.
C. A.	Mackenzie, J. M.	Stoker, Master H. W.
Dalrymple, Walter F.	Maller, Otto.	Stuart, Mrs. W.
Davies, A. A.	Martin, Frank.	Sutton, Revd. G.
Davis, Robert R.	Massa, Franco.	Sutton, Capt.
Davis, Miss M. C.	McWilliams, J.	Swinburne, C.
D'Arcy, F.	Merrett, W.	Swire, H.
D'Cruz, Emile.	Middleton, W. J.	Turner, Messrs. F. A.
Deardan, W.	Mills, C. S.	Valentin, Monsieur.
Dyer, James.	Miller, F. T.	Vinecent, F. (Forest Department.)
Donovan, D.	Morrison, J.	W. W.
Edwards, E.	Muller, J.	Wahab, E.
Fanner, S.	Noel, Monsieur A.	Wheeler, W.
Fitzgerald, T. S.	Otool Kisto Mitter.	White, Charles.
Forster, Capt. C.	Piffard, Capt. R.	White, Mrs. J.
Garden, Dr.	Putsch, Henry.	Whitmore, H. B. W.
Gimder, D.	Quinlan, F. P.	Williams, W. J.
Gordon, David.	Rix, Geo. H.	Williamson, A.
Gordon, F. A.	Robinson, Mrs. J. C.	Woolfall, Thomas.
Grey, Mrs. E.	Rolt, H. G.	Wood, C.
Habel, Fean.	Rose, Donald.	X.
Halden, Capt. H.	Rose, E. T.	
Hallwell, J. A.	Ruddle, Mrs.	

Newspapers.

berry, C. H.
alrymple, W. F.
otheringham, J.
all, Mrs.

Jellett, J. H. (N.A.)
Lewis, Charles.
Marshall, —
McKennett, —.

Putsch, H.
Sale, M.
Scott, J. W.
Woolfall, Thomas.

Registered Letters.

Faushame, W. E. B.
Glass, Mrs. E.
Henry, C.

Olson, L. (Engr.)
Paterson, C. F.
Schlaivoni, Camelo.

Thomas, T. B.
Yeates, T. S. M.

E. C. GEORGE,
Presidency Post Master.

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یہ دوا کوئینائین کے خوب قایم مقام ہی اور کلکتہ کے بوٹانیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور میواے اونکے ہر کوئی ایک مشہد بیسی پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ ، اور عوام الناس بوٹانیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیسی روپیہ ،

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دواخانوں میں بکتی ہی عام میواے قیمت مذکور بالا کے محصول ڈاک چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ ،

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| " | 3. New lights in Sunda Strait, &c. |
| " | 4. Corrected position of Krishna Shoal Light-vessel. |
| " | 5. Alteration of colour of Chittagong beacons, and intended alteration in Dolphin Rock Light, Bombay. |
| " | 6. Alteration of Malwan Light. |
| " | 7. Kintoun Light-vessel. Yung-tse-Kiang. |
| " | 8. Burgess Rock off Hinghie Island. Bassein River Burma. |
| " | 9. Fairway Buoy at False Point, Orissa. |
| " | 10. Intended Light and Fog Signal on Little Bassas Rocks, Ceylon. |
| " | Intended alteration in Great Bassas Rocks Fog Signal. |
| " | 11. Corrected positions of Zebuyir Islands, Jebel Zukur, and the Hanish Islands, Red Sea. |
| " | 12. Fog Signals and distinguishing marks for Light-vessels, River Hooghly. |
| " | 13. Exhibition of light on Little Bassas Rocks, Ceylon. |
| " | 14. Beacon on Choul Kudu Rock, Bombay. |
| " | 15. Shoal near Tamb Island (Jazirat Taub), Persian Gulf. |
| " | 16. Light at Batticaloa, Ceylon. |
| " | 17. Upper Gasper Light-vessel, entrance to River Hooghly. |
| " | 18. Red Lights on North Groin of Harbour Works, Madras. |
| " | 19. Reported Shoal, N. N. E. of Bahrain, Persian Gulf. |
| " | 20. Alteration of colour of Light at Klang Strait, Strait of Malacca—Sahangore—Mala Coast. |
| " | 21. Additional information concerning the reported shoal, N. N. E. of Bahrain. |
| " | 22. Deposit of stone, Eastward of Harbour Works, Madras. |
| " | 23. Reported shoal, North-West of Cheduba Island. |
| " | 24. Exhibition of Blue Lights and Markers at Krishna Shoal Light-vessel. |
| " | 25. Deposit of stone, Eastward of Harbour Works, Madras. (Additional information). |
| " | 26. Vessels prohibited from anchoring near Sub-Marine Telegraph Cable between Diamond Island and the main land. |
| " | 27. Intended Exhibition of revolving Light at Vakalapudi |

Notices to Mariners issued during the year 1879. *Price, Anna 1 each:—*

- | | |
|-----|--|
| No. | 1. Permanent Mooring for Eastern Channel Light-vessel. |
| " | 2. Sunken danger in Mergui Archipelago. |
| " | 3. Revolving Light at Vakalapudi. |
| " | 4. Intended alteration in False Point Light. |
| " | 5. Shifting of the entrances to Honore (Honawa) and Mangalore. |
| " | 6. Fixed Light at Roji (Nowa-Nugga). |
| " | 7. Fixed Light at entrance to Toona Creek. |
| " | 8. Fixed Light at Goupmath Point in the Gulf of Cambay. |
| " | 9. Wreck-marking vessels. |
| " | 10. The alteration in the position and improvement of Pooree Port Light. |
| " | 11. Shoal Coral Ground in Strait of Banks. |
| " | 12. Delagoa Bay.—Cockburn Light-vessel, removal in Bad Weather. |

No. 13. (1) Alteration in position of Beacons and Leading Lights—Burnett River Entrance. (2) Fixed Light on Flap-Top Islet—Pioneer River—Rocky Islets. (3) Revolving Light on Low Isles—Trinity Bay. (4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.

„ 14. Sunken dangers between Alguada Reef and Diamond Island—Bay of Bengal.

„ 15. Flashing White Light on Puysegur Point—New Zealand.

„ 16. Dangerous rocks, N. N. W. and S. E. of the Southernmost of the Brothers Islands—Andaman Islands.

„ 17. Australia—South-coast. Gulf of St. Vincent. (1) Prohibited Anchorage near Telegraph cable. Port Phillip. (2) Buoys marking Battery Practice Range at Williams Town, East Coast—Capricorn Channel. (3) Fixed and Flashing Light on North Reef.

„ 18. River Hooghly—Longitude of the Time Ball, Calcutta, and of Saugor Light-House.

„ 19. (1) Discontinuance of additional Light at fourth Point—Sunda Strait—Java.

(2) Shoal in the Fairway to Batavia Road—North Coast.

(3) Fixed Light on Meinders Reef—Madura Strait.

„ 20. (1) Shoal ground westward of Durnford Point—Africa, South Coast.

(2) Entrance to Tugela River.

(3) Entrance to Umhloti River.

„ 21. Buoys off Carwar Harbour (Sedashigar).

„ 22. (1) Alterations in Lights at St. Paul and St. Denis Réunion Island.

(2) Harbour Light at St. Pierre.

„ 23. Buoys off Carwar Harbour (Sedashigar). India—West Coast.

„ 24. Buoys and Beacons. Zanzibar Harbour.

„ 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.

„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey, Travancore, Malabar Coast.

„ 27. Change in the anchorage limits of the Port, Madras, Coromandel Coast.

„ 28. Intended discontinuance of Light at El-Weg (Sherm Wej-h), Arabian Coast, Red Sea, Hedjaz.

„ 29. Intended alterations in False Point Light from 1st November 1879—Bay of Bengal—Orissa Coast.

„ 30. Replacing Bar Buoys and extinguishing Narrakel Light—Cochin—Hindustan—West Coast.

„ 31. Range of visibility of Light exhibited from Krishna Shoal Light-vessel—Bay of Bengal—Coast of Burma.

„ 32. Batticaloa Light—Ceylon—East Coast.

„ 33. Buoys marking limits of Foul Ground—Calicut—India—West Coast.

„ 34. Batticaloa Light.—Ceylon—East Coast.

„ 35. Buoys off Carwar Harbour (Sedashigar).—India—West Coast.

„ 36. Telegraph Buoy, south of Aden.

„ 37. Black Buoy off Point Gordeware (Godavery).—Bay of Bengal.

„ 38. Exhibition of Batticaloa Light throughout the year.

„ 39. Leading Light in Suez Bay.

„ 40. Madras Semaphore—Coromandel Coast.

„ 41. Position of Black Buoy off Point Gordeware (Godavery) Bay of Bengal—Cocanada.

„ 42. Madras Semaphore.

„ 43. Buoys at Calicut, India—West Coast.

Notices to Mariners issued during the year 1880.

o. 1. Prohibited Anchorage near Telegraph Cables. Zanzibar Harbour—Africa—East Coast.

*•• The above rates are exclusive of mounting, packing, and postage.

A Manual of Tibetan, being a Guide to the Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. Price, Rs. 6; postage, 3 annas.

Copies are to be had at the Office of the Director of Public Instruction.

Publications for Sale at the Bengal Secretariat Press.

Rules for the Guidance of Officers in the Administration of Wards' and Attached Estates. Published by the authority of the Board of Revenue, Lower Provinces. Price, Re. 1; packing and postage, 2 annas.

Annual Report on Colonial Emigration for 1878-79. Price, 12 annas per copy; packing and postage, 3 annas.

Annual Report on Inland Emigration for 1878-79. Price, Re. 1 per copy; packing and postage, 3 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. Price, 8 annas per copy; packing and postage, 2 annas.

Just published, pp. xxxv + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. Price, Rs. 5 per copy. Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. Price, Rs. 2; packing and postage, 3 annas.

Buddha Gayá, the Hermitage of Sákya Muni. By Rajendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. Price, Rs. 30; packing and postage, Re. 1-4.

Board's Rules, or Rules for the guidance of Officers engaged in the administration of the Revenue Department in the Lower Provinces of Bengal. Revised edition, Vol. 1. Price, Rs. 4; postage, 5 annas; interleaved copy, Rs. 5; postage, 8 annas.

Printed slips containing alterations and additions will be available to purchasers monthly, at Rs. 2 per annum, including postage.

Rules for the Grant of Leases for Tea Cultivation in the districts of Julpigoree and Darjeeling. Price, 3 annas; postage, ½ anna.

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. Price, Re. 1-5; postage, 1 anna.

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. Price, Re. 1-8; postage, 2 annas.

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDER KERR, Deputy Magistrate, on special duty. Price, Rs. 8; postage, 7 annas.

Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. Price, Re. 1; postage, 1 anna.

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, Rs. 3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Report with Map complete, Rs. 6; Report separately, Rs. 5; Map separately, Rs. 2; Colored Map, Rs. 2-8.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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The Bengal Administration Report for 1876-77. *Price, Rs. 4-8; postage, 6 annas.*

The Bengal Administration Report for 1875-76. *Price, Rs. 4-8; postage, 7 annas.*

The Bengal Administration Report for 1874-75. *Price, Rs. 4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, Rs. 1; separately, price, Rs. 2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, Rs. 4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, Rs. 7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, Rs. 1; separately, price, Rs. 2; postage, 2 annas.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, Rs. 10; postage, 9 annas.*

Act VII (B.C.) of 1873 (Labor Districts Emigration), the Government Resolution thereon, and the Rules and Forms under the Act, bound up together in pamphlet form in Bengali. *Price, 8 annas per copy, or including postage, 10 annas.*

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A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, Rs. 3; postage, 3 annas.*

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Selections from the Supplement to the Calcutta Gazette, 1871 to 1874. *Price, Rs. 2-9; postage, 3 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

The Quarterly Civil List for Bengal, corrected up to the 1st October 1879. *Price, Rs. 3; postage, 4 annas.*

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Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, Rs. 3-8; postage, 6 annas.*

Descriptive Ethnology of Bengal. By EDWARD TUITT DALTON, C.S.I., Colonel, Bengal Staff Corps; Commissioner of Chutia Nagpur; Member of the Asiatic Society of Bengal, &c. Illustrated by Lithograph Portraits copied from Photographs. Printed for the Government of Bengal, under the direction of the Council of the Asiatic Society of Bengal.

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Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, Rs. 3; postage, 3 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Rs. 1 per copy; postage, 2 annas.*

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and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, Rs. 12; postage, 10 annas.*

The Book named below having been declared a part of the obligatory equipment of Emigrant vessels, is now obtainable at the Bengal Secretariat Press at the price noted:—

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 10, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Forty-second Annual General Meeting of Subscribers will be held in the Town Hall on Saturday, the 31st January 1880, at 3 p.m., to receive the report of the Directors and to consider such matters as may then be submitted.

The meeting will afterwards be made special on the requisition of twelve qualified Subscribers, in accordance with Rule 60, for the consideration of the following propositions:—

- I.—That Rule 50, providing that “Annuities already due, or hereafter becoming due, on risks accepted before the 1st of July 1876, shall be payable to incumbents residing in Europe at the fixed rate of two shillings to the rupee,” be amended, and that all future disbursements on this account be made at the current rate of exchange.
- II.—That the privilege of exemption from payment of subscription granted to certain Subscribers under the rescinded Rules 45A and 45B be withdrawn.

By order of the Directors,
W. H. RYLAND,
Secretary.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE:
CALCUTTA.
The 16th December 1879.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 008276, of the $4\frac{1}{2}$ per cent., of 15th January 1872, for Rs. 500, originally standing in the name of Butsial Abceerhund, and last endorsed to P. Doorgachellum Moodelliar, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

P. DOORGACHELLUM MOODELLIAR,
Contractor, H. H. the Nizam's D. P. W.,
Market Street, Secunderabad.

Lost

The Government Promissory Notes No. 059007 for Rs. 500, No. 059008 for Rs. 500, and No. 059009 for Rs. 1,300, of the $4\frac{1}{2}$ per cent. of 1872, reduced to 4 per cent., originally standing in the name of John Meane, Surgeon-Major, A.M.D. (72nd Highlanders), and last endorsed to him, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

JOHN MEANE,
Nabha, near Umballa.
The 2nd December 1879.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 10, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 9th January, 1880, and is hereby promulgated for general information:—

ACT No. I OF 1880.

An Act to confer certain powers on Religious Societies.

WHEREAS it is expedient to simplify the manner in which certain bodies of persons associated for the purpose of maintaining religious worship may hold property acquired for such purpose, and to provide for the dissolution of such bodies and the adjustment of their affairs and for the decision of certain questions relating to such bodies; It is hereby enacted as follows:—

Short title. 1. This Act may be called
"The Religious Societies Act,
1880."

Commencement. It shall come into force
at once; and

Local extent. shall extend to the whole
of British India;

but nothing herein contained shall apply to any Hindús, Muhammadans or Buddhists, or to any persons whom the Governor General in Council may, from time to time, by notification in the *Gazette of India*, exclude from the operation of this Act.

2. When any body of persons associated for the purpose of maintaining religious worship has acquired, or hereafter shall acquire, any property,

and such property has been or hereafter shall be vested in trustees in trust for such body,

and it becomes necessary to appoint a new trustee in the place of or in addition to any such trustee or any trustee appointed in the manner hereinafter prescribed,

and no manner of appointing such new trustee is prescribed by any instrument by which such property was so vested or by which the trusts on which it is held have been declared, or such new trustee cannot for any reason be appointed in the manner so prescribed,

such new trustee may be appointed in such manner as may be agreed upon by such body, or by a majority of not less than two-thirds of the members of such body actually present at the meeting at which the appointment is made.

3. Every appointment of new trustees under section two shall be made to appear by some memorandum under the hand of the chairman for the time being of the meeting at which such appointment is made.

Appointment under section 2 to be recorded in a memorandum under the hand of the chairman of the meeting.

Such memorandum shall be in the form set forth in the schedule hereto annexed, or as near thereto as circumstances allow, shall be executed and attested by two or more credible witnesses in the presence of such meeting, and shall be deemed to be a document of which the registration is required by the Indian Registration Act, 1877, section seventeen.

4. When any new trustees have been appointed, whether in the manner prescribed by any such instrument as aforesaid or in the manner hereinbefore provided, the property subject to the trust shall forthwith, notwithstanding any thing contained in any such instrument, become vested, without any conveyance or other assurance, in such new trustees and the old continuing trustees

Property to vest in new trustees without conveyance.

jointly, or, if there are no old continuing trustees, in such new trustees wholly, upon the same trusts, and with and subject to the same powers and provisions, as it was vested in the old trustees.

5. Nothing herein contained shall be deemed to invalidate any appointment of new trustees, or any conveyance of any property, which may hereafter be made as heretofore was by law required.

6. Any number not less than three-fifths of the members of any such body as aforesaid may at a meeting convened for the purpose determine that such body shall be dissolved; and thereupon it shall be dissolved forthwith, or at the time then agreed upon; and all necessary steps shall be taken for the disposal and settlement of the property of such body, its claims and liabilities, according to the rules of such body applicable thereto, if any, and if not, then as such body at such meeting may determine:

Provided that, in the event of any dispute arising among the members of such body, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of such body is situate; and the Court shall make such order in the matter as it deems fit.

7. If upon the dissolution of any such body there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of such body or any of them, but shall be given to some other body of persons associated for the purpose of maintaining religious worship or some other religious or charitable purpose to be determined by the votes of not less than three-fifths of the members present at a meeting convened in this behalf, or in default thereof by such Court as last aforesaid.

8. Nothing in sections six and seven shall be deemed to affect any provision contained in any instrument for the dissolution of such body, or for the payment or distribution of such property.

9. When any question arises, either in connection with the matters hereinbefore referred to, or otherwise, as to whether any person is a member of any such body as aforesaid, or as to the

validity of any appointment under this Act, any person interested in such question may apply by petition to the High Court for its opinion on such question. A copy of such petition shall be served upon, and the hearing thereof may be attended by, such other persons interested in the question as the Court thinks fit.

Any opinion given by the Court on an application under this section shall be deemed to have the force of a declaratory decree.

The costs of every application under this section shall be in the discretion of the Court.

THE SCHEDULE.

(See section 3.)

Memorandum of the appointment of new trustees of the (*describe the church, chapel or other buildings and property*) situate at a meeting duly convened and held for that purpose (*in the vestry of the said*) on the day of 18 , A. B. of Chairman.

Names and descriptions of all the trustees on the constitution or last appointment of trustees made the day of

(*here insert the same*).

Names and descriptions of all the trustees in whom the said (*chapel and property*) now become legally vested.

First.—Old continuing trustees:—

(*here insert the same*).

Second.—New trustees now chosen and appointed:—

(*here insert the same*).

Dated this day of 18 .

Signed by the said A. B. as Chairman of the said Meeting, at and in the presence of the said Meeting on the day and year aforesaid in the presence of—

A. B.,
Chairman of the
said Meeting.

C. D.
E. F.

D. FITZPATRICK.

Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 10 1880.

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PART V.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 24th December 1879 :—

We, the undersigned Members of the Select Committee to which the Bill to provide for
Endorsement of Military Department, No. 9098-C, dated 4th July, 1879, and enclosure. [Printed papers No. 1.]
Office Memorandum from Military Department, No. 16858-C, dated 23rd September, 1879, and enclosures. [Printed papers No. 1.]
„ from Home, Revenue and Agricultural Department, No. 113, dated 29th October, 1879, and enclosures. [Printed papers No. 2.]
„ from Home, Revenue and Agricultural Department, No. 125, dated 12th December, 1879. [Printed paper No. 3.]
the revision of proceedings in trials held under the Military Cantonments Act XXII of 1864, section 20, was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.
2. The chief amendment we have made in the Bill as introduced will be found in section 2, the object of

which is to confer upon the Local Government the power of imposing for local purposes in any cantonment taxes of the same description as are commonly imposed in municipalities. A power of this sort appears to be necessary, inasmuch as in some cantonments the system of taxation provided by Act XX of 1856 (which is extendible to cantonments under section 14 of the Cantonments Act) is found to be unsuitable.

3. We have added in section four a power to extend a portion of the Cantonment Act to any place without extending the whole, because the Governments of Madras and Bombay, having Cantonment Acts of their own, will probably desire to extend to some of their cantonments the new taxation sections of Act XXII of 1864 without extending the rest of that Act.

4. We think that the matter of the taxation of military persons in municipalities referred to in the Home Department office memoranda would be more appropriately dealt with in the Bill for the control of taxation in municipalities, which Sir John Strachey has obtained leave to introduce, and we accordingly suggest that it be reserved for consideration in connection with that Bill. We propose, however, by section five of the present Bill to empower the Governor General in Council to prohibit the levy of any tax in a cantonment whenever he deems it unfit that such tax should be levied there.

5. As the powers which we thus propose to confer are new, we think the Bill as amended should be published.

The 22nd December, 1879.

WHITLEY STOKES.
B. W. COLVIN.

No. II.

A Bill to provide for the levy of taxes for local purposes in Cantonments and for the revision of proceedings in trials held under Act No. XXII of 1864, section 20.

WHEREAS it is expedient to make further provision for the levy of taxes for local purposes in

Military Cantonments, and whereas it is also expedient to provide for the revision of the proceedings in trials held under the twentieth section of Act No. XXII of 1864 (to make provision for the Administration of Military Cantonments); It is hereby enacted as follows:—

1. This Act may be called "The Cantonments Act, 1880"; and it shall come into force at once.

2. In Act No. XXII of 1864 (to make provision for the Administration of Military Cantonments), after section sixteen the following shall be inserted, that is to say:—

16A. The Local Government may from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, impose in any military cantonment any tax which under any enactment in force at the date of such notification can be imposed in any municipality within the territories administered by such Government, and may, with the like sanction and by a like notification, abolish any tax so imposed.

16B. When any tax is leviable in a military cantonment under section 16A, the Local Government may from time to time, by notification in the official Gazette, apply or adapt to such cantonment the provisions of any enactment or rules in force at the date of such notification

for the assessment and recovery of any tax in any municipality within the territories administered by such Government.

16C. The proceeds of all taxes levied in any military cantonment under section 16A shall, after defraying therefrom the cost of assessing and collecting the same, be applied in such cantonment under the directions of the Local Government to the maintenance of the Police force and the carrying out of measures under the rules and regulations made under section 17.

3. In the same Act, for the last clause of section twenty the following shall be substituted (that is to say):—

"There shall be no appeal in any case tried under this section; but every person trying any such case shall, for the purposes of chapter XXII of the Code of Criminal Procedure, be deemed to be subordinate to the High Court, the Court of Session and the Magistrate of the District."

4. In sections thirty-nine, forty and forty-one of the same Act, after the words "the provisions of this Act" the words "or any of them" shall be inserted.

5. Notwithstanding anything contained in any enactment for the time being in force, the Governor General in Council may, by an order in writing, prohibit the levy of the whole or any part of any tax in any Military Cantonment, and may, by a like order, rescind any such prohibition.

D. FITZPATRICK,
Secy. to the Govt. of India.



SUPPLEMENT TO
The Gazette of India.

No. 2. } CALCUTTA, SATURDAY, JANUARY 10, 1880.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

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GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.

No. XLIV of 1879.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	FOR WEEK ENDING		TOTAL FROM 1ST JANUARY		Total Increase in 1879.	Total Decrease in 1879.
		2nd November 1878.	1st November 1879.	to 2nd Nov. 1878.	to 1st Nov. 1879.		
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
6th Dec. 1879	<i>Guaranteed.</i> East Indian, Main ...	7,79,300	6,05,166	2,93,70,030	3,18,46,537	24,76,507	...
Ditto ...	" Jubbulpore ...	72,860	57,863	26,90,691	32,82,116	5,91,425	...
22nd Nov. 1879	Eastern Bengal ...	82,527	96,310	36,21,200	32,69,689	...	3,51,511
29th ditto ...	Oudh and Rohilkhand ...	1,13,218	60,811	38,44,417	36,79,731	...	1,64,686
6th Dec. 1879	Sind, Punjab and Delhi ...	2,19,552	4,10,101	69,82,434	88,00,127	18,17,693	...
15th Nov. 1879	Madras ...	1,06,089	1,09,275	55,08,731	55,30,699	21,968	...
22nd ditto ...	South Indian ...	55,374	69,779	27,33,852	27,80,457	46,605	...
6th Dec. 1879	Great Indian Peninsula ...	4,46,716	4,66,951	2,28,53,377	2,12,23,395	...	16,29,982
Ditto ...	Bombay, Baroda and Central India ...	1,05,523	1,07,123	55,22,900	60,16,323	4,93,423	...
	TOTAL ...	19,81,159	19,83,379	8,31,27,632	8,64,29,074	33,01,442	...
	<i>State.</i>						
29th Nov. 1879	Calcutta and South-Eastern ...	2,031	1,889	1,06,660	1,10,804	4,144	...
Ditto ...	Nalhati ...	1,667	1,416	76,324	76,753	429	...
6th Dec. 1879	Rajputana ...	62,106	51,650	23,89,883	29,63,543	5,73,660	...
29th Nov. 1879	Holkar ...	12,743	17,348	5,91,278	6,61,366	70,088	...
	Khamgaon ...	...	...	(a) 47,355	(b) 33,670	...	13,685
6th Dec. 1879	Amroli ...	986	859	79,104	59,168	...	19,936
22nd Nov. 1879	Wardha Coal ...	1,831	2,890	1,08,359	(c) 2,05,565	97,206	...
Ditto ...	Nizam's ...	16,032	15,337	6,61,321	5,75,824	...	85,497
6th Dec. 1879	Tirhoot ...	8,056	6,492	3,49,990	3,71,809	21,819	...
15th Nov. 1879	Punjab Northern ...	21,157	76,291	7,05,806	14,09,471	7,03,665	...
29th ditto ...	Necmuh ...	6,691	5,841	1,57,562	2,60,713	1,03,151	...
22nd ditto ...	Rangoon and Irrawaddy Valley ...	22,130	24,767	8,10,299	8,11,938	1,639	...
6th Dec. 1879	Northern Bengal ...	43,533	27,393	7,52,674	10,43,926	2,91,252	...
Ditto ...	Sindia ...	2,054	2,261	(d) 80,114	83,406	3,292	...
Ditto ...	Dhond and Mahmud ...	...	-1,180	(e) 64,085	3,75,234	3,11,149	...
22nd Nov. 1879	Indus Valley ...	25,431	1,16,113	(f) 1,45,850	23,55,270	22,09,420	...
29th ditto ...	Muttra-Hathras ...	...	1,912	...	1,04,385	1,04,385	...
6th Dec. 1879	Patna-Gya ...	...	8,944	...	(g) 1,51,817	1,51,817	...
	TOTAL ...	2,26,451	3,59,953	71,26,664	1,16,54,662	45,27,998	...
	GRAND TOTAL ...	22,07,613	23,43,332	9,02,54,296	9,80,83,736	78,29,440	...
	GROSS ESTIMATED EXPENSES ...			4,51,00,072	4,90,41,868	...	...
	NET RECEIPTS ...			4,51,54,224	4,90,41,868	38,87,644	...

(a) From 1st January to 15th July 1878, after which date the line was closed.
(b) From 1st January to 30th June 1879, after which the line was closed.
(c) Includes Colliery receipts.

(d) From 10th January 1878.
(e) From 15th March to 1st June 1878, after which the line was closed.
(f) From 1st July 1878.
(g) From 21st April 1879.

No. XLV OF 1879.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	FOR WEEK ENDING		TOTAL FROM 1ST JANUARY		Total Increase in 1879.	Total Decrease in 1879.
		9th November 1878.	8th November 1879.	to 9th Nov. 1878.	to 8th Nov. 1879.		
	<i>Guaranteed.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
6th Dec. 1879	East Indian, Main ...	7,20,789	8,21,873	3,00,90,819	3,26,68,410	25,77,591	...
Ditto ...	„ Jubbulpore	85,807	71,620	27,76,498	33,53,736	5,77,238	...
22nd Nov. 1879	Eastern Bengal ...	69,847	95,236	36,91,047	33,64,925	...	3,26,122
29th ditto ...	Oudh and Rohilkhand	97,938	62,090	39,42,355	37,41,821	...	2,00,534
6th Dec. 1879	Sind, Punjab & Delhi	2,66,282	2,53,800	72,48,716	90,53,927	18,05,211	...
15th Nov. 1879	Madras ...	1,08,692	1,13,232	56,17,423	56,43,931	26,508	...
22nd ditto ...	South Indian ...	66,662	71,840	28,00,514	28,52,297	51,783	...
6th Dec. 1879	Great Indian Peninsula	4,75,095	5,32,027	2,33,28,472	2,17,55,422	...	15,73,050
Ditto ...	Bombay, Baroda and Central India ...	1,29,566	1,02,232	56,52,466	61,18,555	4,66,089	...
	TOTAL ...	20,20,678	21,23,950	8,51,48,310	8,85,53,024	34,04,714	...
	<i>State.</i>						
29th Nov. 1879	Calcutta and South-Eastern ...	2,025	2,319	1,03,685	1,13,123	4,438	...
Ditto ...	Nalhati ...	1,748	1,682	78,072	78,435	363	...
6th Dec. 1879	Rajputana ...	57,007	65,225	24,46,890	30,28,768	5,81,878	...
29th Nov. 1879	Holkar ...	14,250	14,172	6,05,528	6,75,538	70,010	...
	Khamgaon ...	...	...	(a)47,355	(b)33,670	...	13,685
6th Dec. 1879	Amraoti ...	1,035	1,636	80,139	60,804	...	19,335
22nd Nov. 1879	Wardha Coal ...	2,460	3,144	1,10,819	(c)2,08,709	97,890	...
Ditto ...	Nizam's ...	18,936	13,620	6,80,257	5,89,444	...	90,813
6th Dec. 1879	Tirhoot ...	10,110	6,973	3,60,100	3,78,782	18,682	...
15th Nov. 1879	Punjab Northern ...	58,558	49,073	7,64,364	14,58,544	6,94,180	...
29th ditto ...	Neemuch ...	5,563	5,504	1,63,125	2,66,217	1,03,092	...
22nd ditto ...	Rangoon and Irrawaddy Valley ...	38,344	17,401	8,43,643	8,29,339	...	14,304
6th Dec. 1879	Northern Bengal ...	21,638	30,672	7,74,312	10,74,598	3,00,286	...
Ditto ...	Sindia ...	2,394	1,721	(d)82,508	85,127	2,619	...
Ditto ...	Dhond and Manmad ...	...	2,716	(e)64,085	3,77,960	3,13,865	...
22nd Nov. 1879	Indus Valley ...	30,897	1,08,000	(f)1,76,747	24,63,270	22,86,523	...
29th ditto ...	Muttra-Hathras ...	...	2,525	...	1,06,910	1,06,910	...
6th Dec. 1879	Fatna-Gya ...	...	10,178	...	(g)1,61,995	1,61,995	...
	TOTAL ...	2,59,965	3,36,561	73,86,629	1,19,91,223	46,04,594	...
	GRAND TOTAL ...	22,80,643	24,60,511	9,25,34,939	10,05,44,247	80,09,308	...
	GROSS ESTIMATED EXPENSES ...			4,62,39,706	5,02,72,123	...	...
	NET RECEIPTS ...			4,62,95,230	5,02,72,124	39,76,894	...

(a) From 1st January to 15th July 1878, after which date the line was closed.

(b) From 1st January to 30th June 1879, ditto ditto ditto.

(c) Includes Colliery receipts.

(d) From 10th January 1878.

(e) From 15th March to 1st June 1878, after which the line was closed.

(f) From 1st July 1878.

(g) From 21st April 1879.

No. XLVI OF 1879.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	FOR WEEK ENDING		TOTAL FROM 1ST JANUARY		Total Increase in 1879.	Total Decrease in 1879.
		16th Nov. 1878.	15th Nov. 1879.	to 16th Nov. 1878.	to 15th Nov. 1879.		
	<i>Guaranteed.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
6th Dec. 1879	East Indian, Main ...	7,21,138	8,37,346	3,08,11,957	3,35,05,756	26,93,799	...
Ditto ...	„ Jubbulpore	91,440	61,643	28,67,938	34,15,379	5,17,111	...
22nd Nov. 1879	Eastern Bengal ...	62,917	91,191	37,53,964	34,56,116	...	2,97,848
29th ditto ...	Oudh and Rohilkhand	1,04,496	66,075	40,46,851	38,07,896	...	2,38,955
6th Dec. 1879	Sind, Punjab & Delhi	2,39,620	2,39,100	74,88,336	92,93,027	18,04,691	...
15th Nov. 1879	Madras ...	1,18,566	1,06,095	57,35,989	57,50,026	14,037	...
22nd ditto ...	South Indian ...	68,046	58,701	28,68,560	29,10,998	42,438	...
6th Dec. 1879	Great Indian Peninsula	5,59,982	4,00,666	2,38,88,454	2,21,56,088	...	17,32,366
Ditto ...	Bombay, Baroda and Central India ...	1,31,759	85,663	57,84,225	62,04,218	4,19,993	...
	TOTAL ...	20,97,964	19,46,480	8,72,46,274	9,04,99,504	32,53,230	...
	<i>State.</i>						
29th Nov. 1879	Calcutta and South-Eastern ...	2,220	1,729	1,10,905	1,14,852	3,947	...
Ditto ...	Nulhati ...	1,522	1,601	79,594	80,036	442	...
6th Dec. 1879	Rajputana ...	63,019	71,485	25,09,909	31,00,253	5,90,344	...
29th Nov. 1879	Holkar ...	15,609	13,242	6,21,137	6,88,780	67,643	...
	Khamgaon ...	383	...	(a) 47,738	(b) 33,670	...	14,068
6th Dec. 1879	Amraoti ...	1,135	886	81,274	61,640	...	19,634
22nd Nov. 1879	Wardha Coal ...	2,537	4,992	1,13,356	(c) 2,13,701	1,00,345	...
Ditto ...	Nizam's ...	20,965	12,086	7,01,222	6,01,530	...	99,692
6th Dec. 1879	Tirhoot ...	11,892	6,814	3,71,992	3,85,596	13,604	...
15th Nov. 1879	Punjab Northern ...	32,718	58,546	7,97,082	15,17,090	7,20,008	...
29th ditto ...	Neemuch ...	6,388	4,212	1,69,513	2,70,429	1,00,916	...
22nd ditto ...	Rangoon and Irrawaddy Valley ...	21,422	18,449	8,65,065	8,47,788	...	17,277
6th Dec. 1879	Northern Bengal ...	14,830	28,148	7,89,142	11,02,746	3,13,604	...
Ditto ...	Sindia ...	1,328	1,824	(d) 83,836	86,951	3,115	...
Ditto ...	Dhond and Manmad ...	550	4,163	(e) 64,635	3,82,113	3,17,478	...
22nd Nov. 1879	Indus Valley ...	40,767	33,616	(f) 2,17,514	24,96,886	22,79,372	...
29th ditto ...	Muttra-Hathras ...	...	3,173	...	1,10,083	1,10,083	...
6th Dec. 1879	Patna-Gya ...	...	12,550	...	(g) 1,74,545	1,74,545	...
	TOTAL ...	2,37,285	2,77,466	76,23,914	1,22,68,689	46,44,775	...
	GRAND TOTAL ...	23,35,249	22,23,946	9,48,70,188	10,27,68,193	78,98,005	...
	GROSS ESTIMATED EXPENSES ...			4,74,06,633	5,13,84,096	...	...
	NET RECEIPTS ...			4,74,63,555	5,13,84,097	...	...

(a) From 1st January to 15th July 1878, after which date the line was closed.
(b) From 1st January to 30th June 1879, ditto ditto ditto.
(c) Includes Colliery receipts.
(d) From 10th January 1878.
(e) From 15th March to 1st June 1878, after which the line was closed.
(f) From 1st July 1878.
(g) From 21st April 1879.

GOVERNMENT
DEPARTMENT OF I

Prices Current of Food-grains through

DISTRICTS.	QUANTITIES PER R																			
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Holcus Sorghum.			Bairush Millet bho, Bajra Pennisetia glauca				
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	
	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	S. Ch. No.	
Am	10 0	10 0	8 0	...	...	...	11 3	11 3	6 3	12 6	12 6	6 13	...	20 8	...	25 11	26 11	...	...
gapatam	7 3	8 2	8 0	...	...	...	11 14	11 14	5 14	16 0	16 0	9 0	...	...	15 6	...	...	...	...
ivery.	3 14	3 14	4 14	...	...	...	14 10	14 0	8 10	15 3	15 3	9 13	...	...	15 10	...	...	...	...
na	7 3	7 3	7 3	...	...	...	12 14	11 14	7 14	13 8	14 0	...	25	0 20	10 14	14 20	14 18	5	...
ore	7 5	7 5	7 11	...	...	...	11 2	11 2	8 3	12 6	12 14	10 13	20	8 20	8 13	6 18	13 18	13	...
lapah	7 0	6 11	7 11	...	...	...	11 3	11 3	8 0	13 8	13 8	8 10	20	10 21	11 15	6 15	0 16	0	...
ry	5 2	4 13	5 2	...	...	...	11 6	11 0	6 6	12 2	11 13	7 8	21	3 19	3 12	5 21	3 20	14	...
nool	7 8	7 8	7 0	...	...	...	10 14	10 14	7 10	11 8	11 11	8 2	14	6 14	6 10	2 21	6 21	13	...
ras	...	...	...	...	...	...	12 0	12 0	7 13	13 10	13 10	9 13	...	...	...	21	2 18	8	...
gleput	5 13	6 13	6 10	...	...	...	12 6	12 2	9 5	15 0	14 8	9 13	18	3 18	3	...	21	6 19	13
h Arcot	6 10	6 3	7 13	...	...	...	12 3	11 5	7 13	13 2	11 13	8 11	18	8 13	8	...	25	6 25	6
h Arcot	6 10	6 10	4 6	...	...	...	12 0	11 10	8 2	15 0	15 6	9 10	25	6 25	6 15	8 23	3 26	2	...
jore	5 14	5 14	6 5	...	...	...	10 13	10 13	7 10	11 3	11 3	9 6	15	6 16	2 14	0 20	5 21	11	...
hinopoly	7 6	7 0	6 11	...	...	...	11 5	11 5	7 10	13 14	13 8	8 14	22	11 22	11 14	10 23	8 23	8	...
ura	5 11	5 11	5 11	...	...	...	9 14	9 14	7 2	12 13	12 13	8 0	...	...	...	...	...	...	...
uevelly	7 0	6 10	5 5	...	...	...	10 13	10 13	7 3	10 14	11 5	8 10	19	2 19	2 15	11 25	6 25	6	...
nbatore	5 11	5 11	5 11	...	...	...	8 13	8 0	7 3	9 10	8 6	8 0	15	6 14	10 12	5 13	5 13	5	...
iris	5 3	5 3	3 11	...	...	...	9 14	9 14	7 14	11 10	10 2	10 0	17	8 17	8 15	14 18	13 18	13	...
am	6 14	7 5	6 6	...	...	...	8 11	8 11	7 5	11 0	10 13	9 5	...	...	...	...	...	...	...
th Canara	6 8	6 13	7 14	...	...	...	12 2	10 14	8 8	13 3	11 11	9 8	...	...	...	...	...	...	...
labar	6 12	6 9	6 7	13 14	12 10	15 3	6 2	5 15	5 7	8 9	8 9	7 9	13	0 12	0 10	10 10	3 9	12	...	
nbay	9 0	8 0	7 0	18 0	16 0	12 8	6 0	5 8	5 0	9 0	8 0	5 4	16	0 14	0 10	0 16	0 13	0	...	
nedabad	8 0	7 10	6 13	18 13	17 12	11 7	8 14	8 14	6 0	11 0	11 0	8 7	18	13 17	12 8	14 16	0 15	4	...	
ra	8 4	8 4	5 14	5 12	5 12	3 16	7 1	6 1	4 9	7 4	7 2	6 3	14	8 9	12 9	4 13	8 10	8	...	
at	8 0	8 0	6 15	...	...	...	8 0	7 4	6 10	8 14	8 14	8 11	13	5 10	10 10	0 13	5 12	12	...
sach	6 1	6 1	6 9	...	...	...	5 9	5 9	6 6	7 3	7 3	7 8	9	5 9	6 8	15 9	7 9	7	...
na (Salsette)	6 12	6 12	7 0	...	...	...	6 8	6 8	5 8	9 8	9 8	9 8	...	...	...	...	...	...	...
Alba (Alibag)	9 4	8 13	8 3	...	...	...	5 14	6 5	6 5	8 10	8 10	8 12	14	15 14	2 15	7 11	13 11	13	...
andesh (Dhulia)	8 8	7 5	8 5	...	...	...	5 15	5 15	5 15	8 12	8 2	7 10	...	...	...	...	...	...	...
sik	7 15	7 15	7 4	...	...	...	6 13	6 11	7 4	7 13	7 13	7 12	10	12 11	8 11	4 10	11 11	10	...
mednagar	6 14	6 14	6 14	...	...	...	6 12	6 12	7 6	8 9	7 6	8 9	10	11 10	11 10	14 9	12 9	13	...
ma	7 4	7 4	6 5	...	...	...	9 15	10 3	7 10	10 6	10 10	8 0	11	10 11	14 9	4 13	12 13	11	...
lapur	6 3	5 15	6 4	...	...	...	5 12	5 14	7 12	10 9	14 12	8 12	21	7 20	9 19	4 20	7 20	...	...
ladgi (Bagalkot)	6 6	6 6	6 0	...	...	...	6 14	6 14	6 2	7 14	7 14	7 3	9	0 8	13 8	0 9	1 9	...	...
ara	7 3	6 8	5 15	11 0	11 0	11 4	9 15	9 8	9 8	10 7	10 0	10 0	17	8 15	7 13	4 15	8 14	1	...	
lgaum	6 0	6 0	6 0	...	...	...	8 0	8 0	10 0	13 0	13 0	11 0	18	0 8	0 19	0 21	0 21	...	...
arwar (Hubli)	5 15	5 4	5 4	...	...	...	7 13	7 2	7 2	9 14	9 2	8 7	11	11	...	...	9 13	8	...
tnagiri	7 0	7 0	7 0	...	...	...	5 4	5 4	7 0	11 0	11 0	10 0	11	0 11	0 9	0	...	...	...
nara (Karwar)	6 10	7 4	6 10	...	...	...	7 4	6 10	5 11	10 0	7 4	6 2	26	10 20	0 10	0 13	5 11	...	...
nch Muhala (Godhra)	6 9	6 9	7 0	...	...	...	5 1	5 1	5 1	5 9	5 9	5 9	10	3 10	3 11	3 8	3 8	...	...
en	8 0	8 0	7 12	...	...	...	7 12	7 12	7 0	9 0	9 0	8 0	13	14 16	10 13	8 13	0 13	...	...
irgarh	6 14	6 2	6 5	9 9	9 9	9 10	6 12	6 4	6 0	10 3	8 6	7 8	10	13 10	3 10	4 14	1 13	...	...
roda	11 8	11 8	7 4	...	...	...	4 11	4 14	4 6	5 12	6 0	5 0	11	8 11	4 9	0 13	8 12	...	...
sa	10 8	10 8	11 8	20 0	20 0	19 0	...	...	...	6 0	6 0	6 0	20	0 20	0 17	0 12	0 12	...	...
nach	11 12	12 12	11 2	22 10	23 8	14 12	6 0	6 0	6 0	7 0	7 0	7 0	21	0 21	10 16	0 16	13 16	...	...
sirabad	9 4	9 4	6 8	...	...	...	5 0	5 0	4 4	10 8	10 8	6 8	15	8 15	0 8	8 11	4 12	...	...
ijkot	No return received			...	...	...	7 0	7 0	7 0	8 8	10 0	9 0	13	0 13	0 11	0 13	0 13	...	...
uper Sind Frontier	8 10	8 10	8 8	14 0	13 0	15 0	7 0	7 0	7 0	8 8	10 0	9 0	13	0 13	0 11	0 13	0 13	...	...
rachii	No return received			...	...	...	6 10	6 10	5 5	11 6	10 0	7 10	12	3 12	3	...	15 11	...	...
idarnabad (Nakur)	10 4	9 1	6 10	16 0	14 4	11 14	...	...	...	7 4	7 12	6 0	...	...	...	18	0 17	1	...
ikarpur	7 13	6 13	6 13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ar and Parkar (Umarkot)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Western Districts																				
ardwar	10 4	10 0	11 0	18 0	18 0	18 0	15 8	15 8	13 8	16 8	16 8	14 4	...	...	...	...	...	...	...
anecorah	10 5	10 0	11 4	14 0	14 0	14 0	12 8	12 8	15 0	20 0	17 8	17 0	...	...	...	...	...	...	...
eerbhoom	10 8	11 4	11 0	...	...	...	13 0	14 0	9 0	17 0	16 8	13 8	...	...	...	...	...	...	...
idnapore	10 0	10 0	11 0	...	...	...	12 0	10 0	10 0	15 0	13 0	14 0	...	...	...	...	...	...	...
ooghly	11 8	11 0	12 0	...	...	...	9 0	8 0	8 0	12 0	10 8	10 8	...	...	...	...	...	...	...
owrah	11 0	10 8	11 0	...	...	...	9 12	9 8	8 0	16 0	16 0	11 0	...	...	...	...	...	...	...
Central Districts																				
alcutta	12 8	11 4	11 4	20 0	13 0	16 0	6 4	5 11	6 3	11 0	10 0	10 0	14	3 16	0	...	...	...	...
4-Pergunnahs	...	...	...	...	...	...	6 10	6 6	6 0	10 10	11 6	8 0	...	...	...	...	...	...	...
uddea	12 4	11 0	12 5	...	13 5	...	13 0	10 0	9 7	15 0	12 5	10 5	...	...	...	...	...	...	...
essore	10 0	12 0	11 8	...	...	...	10 12	10 8	7 8	15 8	16 0	11 8	...	...	...	...	...	...	...
porahedabad	10 6	10 8	12 8	...	...	...	12 0	10 8	12 0	15 0	15 0	13 0	...	...	...	...	...	...	...

In the interior the prices range as follow:—Wheat 12 to 13 seers, barley (in Culma) 17 seers, best rice 12 to 13-8 seers, common rice 14 to 20 seers, and grain 13 to 15 seers.
In the interior the prices range as follow:—Wheat 10 to 12 seers, barley 17 to 24 seers, best rice 11-4 to 22 seers, common rice 14 to 22 seers, maize or Indian-corn 28 to 30

E AND COMMERCE.

for the 1st half of December 1879.

ERS OF 80 TOLAHs.

Grain.										Firewood.						Salt.						DISTRICTS.	PROVINCES.	REMARKS.												
Past fortnight.		Corresponding fortnight of 1878.		Present fortnight.		Past fortnight.		Corresponding fortnight of 1878.		Present fortnight.		Past fortnight.		Corresponding fortnight of 1878.		Present fortnight.		Past fortnight.		Corresponding fortnight of 1878.																
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.															
0	3	15	2	28	2	26	14	16	6	87	8	87	8	88	6	9	6	9	6	9	6	Ganjam	MAHARASHTRA.													
1	13	15	8	27	5	27	5	16	13	170	2	182	3	213	0	12	8	12	8	13	8	Vizagapatam														
7	14	11	11	26	3	25	2	15	6	145	13	145	13	129	5	12	13	12	13	12	13	Godavery														
1	13	11	2	18	6	18	14	13	10	93	5	93	5	64	10	12	11	12	11	12	11	Kistna														
1	0	18	0	20	10	20	10	13	13	194	6	194	6	291	10	13	14	13	8	11	6	Nellore														
5	3	16	8	22	6	22	6	12	5	92	5	92	5	97	3	12	8	13	2	13	6	Cuddapah														
2	5	14	11	20	11	18	11	12	11	87	8	87	8	82	10	13	14	13	11	14	3	Bellary														
1	14	15	2	21	2	19	6	12	14	102	2	107	6	107	14	13	14	13	14	13	3	Kurnool														
7	6	16	3	20	11	20	11	12	3	110	0	140	0	186	10	12	5	12	5	12	5	Madras														
5	6	17	8	22	0	20	2	15	8	201	11	206	8	233	5	12	2	11	11	15	6	Chingleput														
5	11	15	2	18	6	17	8	14	0	194	6	194	6	194	6	12	14	12	10	13	5	North Arcot														
2	3	15	11	19	3	17	11	15	6	121	8	121	8	97	3	12	2	12	2	13	0	South Arcot														
1	3	17	0	19	10	17	13	14	3	145	13	145	13	106	14	13	8	13	2	1		Tanjore														
0	19	11	18	0	17	10	16	10		76	13	76	13	66	10	14	13	14	13			Trichinopoly														
13	13	0	15	13	14	11	11	10		131	3	131	3	131	3	12	3	12	3			Madurai														
0	8	15	11	20	10	18	14	14	10	121	8	121	8	121	8	9	3	9	3			Tinnevely														
2	12	5	13	2	12	10	12	10		85	8	85	8	102	2	10	2	11	8	11	3	Salem														
10	13	2	16	13	16	0	15	2		121	8	121	8	121	8	9	14	9	14	9	11	South Canara.														
2	7	10	10	7	9	6	9	14		54	9	54	9	61	6	8	6	8	6	11	0	Malabar														
...	12	8	12	0	8	0		60	0	60	0	80	0	13	8	13	8	13	8	Bombay	MAHARASHTRA.													
...	11	7	11	0	6	10		80	0	80	0	80	0	12	13	12	13	12	5	Almedabad														
...	10	4	10	8	6	11		100	0	100	0	113	0	12	0	12	0	11	6	Kaira														
...	8	11	8	6	5	11		106	0	106	0	106	0	12	12	12	12	13	5	Surat														
5	8	15	8	0	8	0	8	5		71	1	71	1	80	0	9	13	9	9	10	15	Broach														
...	9	0	9	0	9	0		100	0	100	0	110	0	7	8	7	8	9	8	Tanna (Salsette)														
...	11	11	10	12	9	1		110	0	110	0	125	0	10	8	11	0	10	13	Colaba (Alibag)														
5	14	12	8	8	9	0	8	8		140	0	140	0	110	0	10	6	10	6	11	2	Khandesh (Dhulia)														
...	9	11	9	11	8	2		100	0	100	0	78	0	10	4	10	4	11	6	Nasik														
...	9	3	9	3	9	3		76	0	76	0	76	0	8	14	8	10	11	2	Ahmednagar														
...	...	...	9	9	9	13	7	12		116	6	116	6	95	0	10	8	10	12	9	12	Poona												
...	...	...	7	11	8	0	7	0		290	0	...	...	...	...	12	5	12	4	11	0	Sholapur								
...	...	...	7	7	7	7	6	8		116	8	116	8	93	1	10	3	10	3	10	8	Kaladgi (Bagalkot)												
14	17	2	9	2	7	8	6	15		75	0	75	0	125	0	12	8	12	8	12	8	Satara														
0	22	0	8	0	8	0	6	0		80	0	80	0	80	0	9	0	9	0	8	0	Belgaum														
15	14	1	8	6	7	11	7	11		135	0	150	0	120	0	11	10	11	10	14	4	Dharwar (Hubli)														
0	16	0	9	0	9	0	7	0		213	5	213	5	213	0	8	0	8	0	8	0	Ratnagiri														
0	10	0	11	7	8	14	8	0		200	0	200	0	200	0	11	6	11	6	11	6	Kanara (Karwar)														
...	...	...	6	3	6	3	7	0		65	5	65	5	65	5	32	0	32	0	32	0	Panch Mahals (Godhra)												
...	...	...	10	0	9	12	8	0		160	0	160	0	160	0	8	0	8	0	8	0	Aden												
...	...	...	9	0	9	0	6	0		63	0	54	0	96	0	12	0	12	0	12	10	Asirgarh												
...	...	...	13	8	13	8	8	1		137	8	137	8	137	8	24	0	24	0	24	0	Baroda												
...	...	...	12	8	12	0	15	0		150	0	150	0	130	0	8	8	8	8	10	0	Disa												
...	...	...	15	0	15	0	14	13		70	0	70	0	60	0	11	8	11	5	21	4	Nimach												
...	...	...	9	8	9	0	7	8		70	0	70	0	40	0	67	8	60	0	60	0	Nasirabad												
0	6	8	11	8	11	0	10	0		106	0	100	0	108	0	13	0	13	0	13	8	Rajkot														
...	10	2	9	6	9	6		160	0	240	0	110	0	8	10	8	0	10	0	No return received	Upper Sind Frontier													
...		180	0	180	0	160	0	10	10	10	10	10	10	No return received	Karachi													
...	No return received	Haidarabad (Nakur)													
...	Shikarpur													
...	Thar and Parkar (Umarkot)													
...	11	12	11	8	10	0		80	0	90	0	100	0	9	4	9	8	10	0	Western Districts.	Burdwan													
...	...	...	10	10	10	10	10	0		280	0	280	0	360	0	8	8	8	8	9	0	Bancoorah												
...	...	...	10	8	10	8	10	0		140	0	200	0	180	0	9	0	8	8	9	0	Beerbhoom												
...	...	...	10	0	10	0	9	8		160	0	160	0	180	0	9	0	9	0	9	0	Midnapore												
...	...	...	11	0	11	0	10	0		120	0	120	0	120	0	9	0	9	0	9	0	Hooghly												
...	...	...	11	8	11	0	10	8		100	0	90	0	110	0	10	0	10	0	9	12	Howrah												
...	12	5	12	5	11	0		90	0	90	0	66	0	10	0	10	0	8	0	Central Districts.	Calcutta													
...	...	...	11	6	10	10	10	4		100	0	90	0	90	0	9	6	9	0	9	0	24-Pergunnahs												
...	...	...	11	4	11	4	10	14		100	0	100	0	120	0	9	6	9	6	9	11	Nudden												
...	...	...	10	0	10	0	10	0		110	0	110	0	110	0	8	0	8	0	8	0	Jessore												
...	...	...	12	0	11	0	10	4		120	0	120	0	120	0	7	0	7	0	7	0	Moorshedabad												
																to to to																				
																9 0 9																				

to interior the prices range as follow :—Wheat 10 to 11 seers, barley 17-8 to 18 seers, best rice 6-2 to 6-4 seers, common rice 8-10 to 16 seers, and gram 11 to 11-6 seers, as interior the prices range as follow :—Wheat 10 to 13 seers, barley 14 to 20 seers, best rice 7-8 to 11-13 seers, common rice 12-4 to 16 seers, and gram 9 to 10-10 seers.

Prices Current of Food-grains thro

QUANTITIES PER 1

DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar) Hoicus Sorghum.			Bulrush M. (Cumboo, E. Pennisillaria).	
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.
<i>Central Districts—contd.</i>	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Dinagpore	9 3/4	9 9/16	10 13	14 0	11 0	16 0	13 3	12 0	11 6	16 3	13 12 1/2	14 6	...	...	...	...	...
Rajahmhye	12 0	12 0	12 0	15 12	15 12	13 8	13 0	12 0	10 0	16 0	15 0	13 12	...	...	...	...	...
Rangpore	11 4 1/2	11 6	11 0	...	...	...	11 4	9 4	8 0	13 11 1/2	13 14 1/2	11 4	...	...	...	...	...
Bogra	10 14	10 14	10 14	...	...	...	9 12	12 0	9 0	19 8	19 8	13 8	...	...	...	...	...
Pubna	10 0 1/2	9 12	13 8	...	...	...	6 0	8 0	6 4	16 8	16 8	13 8	...	...	...	...	...
Darjeeling	8 0 1/2	8 0	8 0	8 0	8 0	8 0	4 0	4 0	5 0	11 0	10 0	10 0	...	...	...	...	...
Jalpaiguri	8 0 1/2	8 0	8 0	...	...	...	8 0	10 8	8 0	20 0	18 0	10 6	...	...	...	...	...
<i>Eastern Districts.</i>																	
Dacca	10 12 1/2	10 8	11 4	13 5	13 5	...	12 12	14 8	8 12	16 13	17 10	11 7	...	...	...	...	...
Furzedpore	13 0 1/2	13 0	13 0	...	...	11 0	6 8	6 8	6 8	18 0	18 0	13 0	...	...	...	...	...
Backergunge	...	...	...	...	...	...	12 0	12 0	9 0	16 0	16 0	12 0	...	...	...	...	...
Mymensingh	10 0 1/2	10 0	9 8	...	...	...	16 0	11 0	10 8	18 0	18 0	11 0	...	...	...	...	...
Tipperah	10 0	10 0	10 8	...	...	...	14 8	17 4	8 8	21 8	32 4	13 0	...	...	...	...	...
Chittagong	9 0 1/2	9 0	9 0	...	...	...	13 0	10 8	11 0	19 8	20 0	13 0	...	...	...	...	...
Nonkholly	...	...	...	...	...	...	17 0	18 0	9 0	20 0	22 0	14 0	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	13 5	11 2	10 0	16 0	16 0	13 0	...	...	...	...	...
Hill Tipperah	8 5	8 5	7 5	...	...	...	10 0	11 0	19 0	22 0	22 0	11 0	...	...	...	...	...
<i>Behar.</i>																	
Patna	17 0	14 0	11 12	21 0	21 8	20 0	10 0	10 0	10 0	19 0	17 0	19 8	...	...	...	...	...
Gya	14 8 1/2	15 0	12 0	18 8	21 0	11 8	9 0	9 0	9 0	18 0	18 0	16 8	...	...	...	...	...
Shahabad	12 8 1/2	12 8	11 0	11 0	...	...	15 0	11 0	12 0	17 0	15 0	15 0	...	...	...	...	...
Durbhunga	11 0	13 8	15 0	15 0	...	...	16 0	15 0	12 8	18 0	16 8	16 8	...	...	...	...	...
Mozufferpore	13 0	13 0	13 0	22 0	20 0	16 0	10 0	9 0	9 0	17 0	15 0	16 0	...	...	...	...	...
Saran	12 8	12 0	12 0	22 0	21 0	19 8	7 0	7 0	7 12	17 0	16 4	15 0	18 8	19 0	30 1	...	...
Chunpore	13 0	13 0	11 0	22 0	...	...	18 0	12 0	7 0	19 0	19 0	18 0	...	...	...	...	...
Monghyr	13 10 1/2	12 1	15 12	21 0	15 12	13 10	11 8	10 8	9 7	21 0	17 13	14 11	...	...	...	...	...
Bhagalpur	11 14 1/2	12 0	12 10	20 3	18 14	15 2	12 10	13 1	13 14	16 6	15 2	15 2	...	...	...	...	...
Purneah	13 0 1/2	14 0	15 0	...	...	...	17 0	17 0	16 0	18 0	20 0	21 0	...	...	...	...	...
Maldah	11 8	11 8	12 8	...	...	...	11 0	12 0	13 0	16 0	11 0	16 0	...	...	...	...	...
Southal Pergunnahs	9 0 1/2	11 0	10 0	11 0	...	...	19 0	17 0	10 8	20 0	20 0	17 0	...	...	...	...	...
<i>Orissa.</i>																	
Cuttack	9 3	11 13	13 2	...	...	...	11 13	11 13	9 3	17 1	15 12	13 2	...	...	...	...	...
Pooree	10 8	10 8	10 8	...	...	...	9 3	10 8	8 9	15 12	17 1	17 1	...	...	...	...	...
Balsore	8 0	8 0	9 0	...	...	...	13 0	13 0	9 0	17 0	17 0	12 12	...	...	...	...	...
<i>Chota Nagpore—South-Western Frontier Agency.</i>																	
Hazaribagh	12 0 1/2	11 0	10 8	16 0	18 0	...	9 0	10 0	10 0	24 0	24 0	17 4	...	...	...	...	...
Lohardugga	10 0 1/2	9 0	10 0	...	...	...	24 0	24 0	17 0	29 0	30 0	19 0	...	...	...	...	...
Singbhoom	8 0	8 0	7 0	20 0	20 0	20 0	12 0	12 0	10 0	28 0	28 0	18 0	...	...	...	...	...
Manbhoom	9 8 1/2	9 8	8 8	21 0	24 0	...	11 0	12 0	11 0	24 0	23 0	18 0	32 0	32 0	...	...	...
Sylhet	9 0	9 0	7 8	...	...	...	10 8	10 8	12 0	14 0	14 0	11 0	...	...	...	...	...
Cachar	8 11	8 11	8 11	16 0	11 6	12 4	13 5	11 8	12 4	17 12	15 4	13 5	...	...	...	...	...
Goalpara	12 8	11 0	9 0	...	...	...	7 0	8 0	9 0	13 4	13 0	12 0	...	...	...	...	...
Garo Hills	...	...	...	...	...	...	6 0	6 0	6 0	12 0	10 0	8 0	...	...	...	...	...
Kamrup	12 0	12 0	11 0	...	...	...	10 0	11 0	8 0	12 0	12 0	10 0	...	...	...	...	...
Darrang	8 0	8 0	5 8	...	...	...	8 0	8 0	6 8	10 10	12 8	10 10	...	...	...	...	...
Nowgong	...	...	...	...	...	...	8 0	8 0	8 0	11 8	10 0	11 0	...	...	...	...	...
Sibsagar	...	...	...	...	...	...	6 0	6 0	6 0	14 0	16 0	14 0	...	...	...	...	...
Lakhimpur	7 8	7 8	8 0	...	...	...	5 12	5 12	5 0	10 0	10 0	9 0	...	...	...	...	...
Khasi & Jaintia Hills	...	...	...	...	...	...	7 0	7 0	7 0	8 0	8 0	8 0	...	...	...	...	...
Naga Hills	...	...	...	...	...	...	...	...	...	9 0	9 0	7 0	...	...	...	...	...
Delra Dén	13 0	13 0	12 8	16 0	16 0	19 0	6 0	6 0	5 8	10 0	19 0	8 8	21 0	15	0	16	0
Saharapur	14 13	15 6	13 12	19 2	17 0	20 4	7 8	7 8	6 6	10 10	10 10	10 2	23 6	23	6	18	2
Muzaffargarh	15 6	15 6	14 5	23 2	23 2	21 0	6 9	6 9	6 9	13 4	13 4	11 0	22 0	21	0	17	10
Meerut	15 0	11 12	13 4	21 0	21 0	20 0	5 0	5 8	5 0	12 0	12 0	10 0	20 0	20	0	17	8
Bulandshahr	16 0	16 0	14 4	22 8	25 0	19 0	5 0	5 0	5 0	14 8	14 0	11 0	21 8	23	0	18	0
Aligarh	14 8	15 0	13 8	21 0	23 0	19 8	7 0	7 0	6 0	12 8	12 0	12 0	21 8	22	0	19	8
Kannun	10 0	10 0	10 4	12 0	12 0	12 0	7 0	7 0	9 0	9 8	9 8	11 0	...	...	...	...	...

* In the interior the price of common rice varies from 15-12 to 22 5 seers per rupee.

† In Koyangunge the prices are—Wheat 10 seers, best rice 14 seers, common rice 16 seers, and gram 10 seers.

‡ In the interior the prices range as follow:—Wheat 11 1/2 to 15 seers, best rice 8 1/2 to 18 seers, common rice 14 to 20 seers, and gram 8 to 9 seers.

§ In Koyangunge the prices are—Wheat 13 seers, best rice 15 seers, common rice 15 seers, and gram 10 seers.

|| In Koyangunge the prices are—Best rice 15 seers, common rice 11 seers, lesser millets 12 seers, maize or Indian-corn 13 seers, and gram 7 seers.

¶ In the interior the prices range as follow:—Best rice 15 to 12 seers, common rice 12 3/4 to 20 5/8 seers, and gram 8 seers.

‡ In the interior the prices range as follow:—Best rice 15 to 16 seers, common rice 18 to 20 seers, and gram in Naralingunge 10 seers.

§ In the interior the prices are—Best rice 12 to 16-12 seers, common rice 16 to 21 seers.

|| In the interior the prices range as follow:—Wheat 10 to 11-12 seers, common rice 14 to 14 seers, and gram 8 seers.

¶ In the interior the prices range as follow:—Wheat 10 to 11-12 seers, best rice 14 to 20 seers, common rice 16 to 25 seers, and gram 8-11 to 10-8 seers.

‡ In the interior the prices range as follow:—Best rice 14 to 24 seers and common rice 16 to 26 seers.

§ In the interior the prices range as follow:—Best rice 14 to 21 seers and common rice 19 to 26 seers.

¶ In the interior the prices are—Wheat 12-8 seers, barley 25 seers, best rice 8 seers, common rice 15 seers, maize or Indian-corn 22-8 seers, and gram 16 seers.

‡ In the interior the prices range as follow:—Wheat 13-4 to 15 seers, barley 21 to 25 seers, best rice 10 to 12 seers, common rice 17-8 to 21-8 seers, bulrush millet (in great millet 21 to 22 seers, lesser millets 20 to 23 seers, maize or Indian-corn 20 to 25 seers, and gram 14 to 17 seers.

§ In the interior the prices are—Wheat 13-4 to 15 seers, barley 25 to 27 seers, best rice 9 to 17 seers, common rice 15 to 30 seers, maize 20 to 25 seers,

for the 1st half of December 1879 — continued.

RS OF 80 TOLAH.

MILKETS, RAGI, &c. u, Veragu, Sawoo, , Coraloo, Murh- iglee), Panicum um, &c.															DISTRICTS.	PROVINCES.	REMARKS.					
Gram.						Firewood.			Salt.													
Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.							
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.							
...	...	10 4	9 9½	8 0	180 0	180 0	160 0	8 4	8 4	8 0	Central Districts—contd.						BENGAL—continued.					
...	...	12 0	12 0	9 0	240 0	240 0	200 0	9 0	9 0	9 0	Dinagepore											
...	...	9 0	9 0	9 0	107 0	100 0	107 0	7 14	7 14	6 0	Rajshahye											
...	...	9 15	9 15	6 0	67 8	67 8	67 8	8 7	8 4	8 4	Rungpore											
...	...	10 8	9 12	9 0	200 0	200 0	200 0	9 0	9 0	9 0	Bogra											
8 0	9 0	6 0	6 0	6 8	160 0	160 0	160 0	4 8	4 8	4 0	Pubna											
...	...	8 0	8 0	8 0	64 0	64 0	64 0	8 0	8 0	6 4	Darjeeling											
...	...	10 12	10 12	8 8	106 0	90 0	106 0	9 0	9 0	9 0	Jalpaiguri											
...	...	9 0	9 0	8 0	...	...	...	9 0	9 0	9 0	Eastern Districts.								
...	...	10 0	10 0	9 0	100 0	100 0	100 0	8 8	8 8	9 0	Dacca											
...	...	10 8	10 12	8 0	...	...	...	8 12	8 12	8 8	Farreedpore								
...	...	9 8	10 0	7 8	...	...	...	8 12	8 12	8 12	Backergunge								
...	...	9 0	9 0	6 0	120 0	120 0	120 0	10 0	10 0	8 0	Mymensingh											
...	...	6 0	5 8	6 0	...	...	...	8 0	8 0	8 0	Tipperah								
...	...	8 0	8 0	8 5	320 0	320 0	320 0	6 6	6 6	8 0	Chittagong											
...	...	17 0	17 8	13 0	140 0	140 0	140 0	8 12	8 12	8 8	Noakholly											
7 0	23 0	16 0	16 0	10 0	140 0	140 0	180 0	8 8	8 8	8 0	Chittagong Hill Tracts											
6 0	...	15 0	14 8	10 8	120 0	120 0	160 0	9 0	9 0	9 0	Hill Tipperah											
10 0	28 8	17 0	16 0	12 0	160 0	160 0	154 0	8 0	8 0	8 12	Behar.											
1 4	26 6	15 0	15 0	9 0	120 0	120 0	140 0	8 8	8 8	8 0	Patna											
...	...	17 0	17 0	9 8	...	...	...	8 0	8 0	8 0	Gya								
...	...	16 8	12 9	12 9	111 8	105 0	126 0	8 6	8 6	8 6	Shahabad											
...	...	15 2	13 4	12 0	151 8	126 4	126 4	8 13	8 13	8 13	Durbhunga											
...	...	13 0	13 0	10 0	120 0	120 0	160 0	9 0	8 0	8 0	Mozafferpore											
...	...	11 0	11 0	8 0	140 0	140 0	100 0	9 0	9 0	8 8	Sarun											
...	...	10 8	10 8	10 0	200 0	200 0	200 0	8 0	8 0	8 0	Champaran											
9 3	13 2	15 1	14 7	13 12	160 0	160 0	200 0	11 0	11 0	11 0	Monghyr											
...	...	13 2	11 13	11 13	100 0	100 0	100 0	11 13	11 13	10 8	Bhagalpur											
...	...	8 0	8 0	6 8	140 0	140 0	80 0	9 0	9 0	7 0	Purneah											
16 0	28 0	14 8	13 8	8 0	200 0	200 0	240 0	7 8	8 0	8 0	Maddah											
16 0	32 0	10 0	10 0	10 0	160 0	160 0	160 0	8 0	7 8	6 8	Sonthal Pergunnahs											
...	...	12 0	12 0	10 0	180 0	160 0	240 0	6 8	7 4	6 0	Orissa.											
14 0	64 0	11 0	10 0	9 8	120 0	120 0	130 0	8 0	8 0	7 8	Cuttack											
...	...	10 0	10 0	9 0	108 0	108 0	108 0	8 0	8 0	8 0	Pooree											
...	...	9 2	9 2	6 15	80 0	80 0	80 0	8 6	7 9	8 3	Balasore											
...	...	7 0	8 0	10 0	120 0	120 0	140 0	8 0	8 0	8 0	Chota Nagpore—South- Western Frontier Agency.											
...	...	6 12	6 12	8 0	160 0	160 0	160 0	5 5	5 5	5 5	Hazaribagh											
...	...	8 0	8 0	8 0	200 0	200 0	200 0	8 0	8 0	8 0	Lohardugga											
...	...	5 8	5 4	5 0	160 0	160 0	160 0	6 8	6 8	6 8	Singbhoom											
...	...	8 0	8 0	8 0	120 0	120 0	120 0	7 0	8 0	7 0	Mambhoom											
...	...	8 0	8 0	6 8	120 0	120 0	120 0	6 8	6 8	6 8	Sylhet											
...	...	7 8	7 8	7 0	160 0	160 0	160 0	6 8	6 8	6 0	Cachar											
...	10 0	80 0	80 0	120 0	5 5	5 5	5 5	Goalpara											
...	...	3 0	3 0	3 0	160 0	160 0	160 0	3 0	3 0	3 0	Garo Hills											
...	...	13 0	12 8	12 8	160 0	160 0	160 0	8 8	9 0	9 0	Kamrup											
...	...	16 0	14 14	13 13	100 0	109 0	107 8	9 9	9 9	9 9	Darrang											
...	...	16 8	16 0	15 0	132 0	132 0	154 0	...	...	...	Nowgong								
...	...	17 0	17 0	14 8	90 0	100 0	120 0	9 8	9 8	...	Sibsagar											
...	...	17 8	15 12	16 0	90 0	90 0	160 0	12 0	12 0	10 0	Lakhimpur											
...	...	16 0	15 0	17 8	75 0	90 0	110 0	10 0	10 0	10 4	Khasi & Jaintia Hills											
...	...	8 0	8 8	10 8	160 0	180 0	180 0	6 0	6 0	7 0	Naga Hills											
															ASSAM.			N.W. PRO- VINCES.				

In the interior the prices range as follow :—Wheat 13 to 21 seers, barley 24 to 34 seers, best rice 12-8 to 21 seers, common rice 14 to 24 seers, maize or Indian-corn 25 to 28 and gram 15 to 22 seers.
In Begu Serni the prices are :—Wheat 12-10 seers, barley 21 seers, best rice 11 seers, common rice 19 seers, great millet 10 seers, murwa 21 seers, maize or Indian corn and gram 16 seers.
In the interior the prices range as follow :—Wheat 12-8 to 15 seers, barley (in Banka) 20 seers, best rice 15 to 20 seers, common rice 20 to 22 seers, lesser millets (in Mt 25 seers, maize or Indian-corn (in Banka) 20 seers, and gram (in Banka) 12 seers.
In the interior the prices range as follow :—Wheat 9 to 20 seers, best rice 16 to 21 seers, common rice 20 to 22 seers, and gram 8 to 13 seers.
In the interior the prices range as follow :—Wheat 13 to 12-8 seers, best rice 17-8 to 22-3 seers, common rice 22-3 to 25 seers, maize or Indian-corn 22-3 to 24 seers, 11-4 to 13 seers.
In the interior the prices range as follow :—Wheat 12 seers, barley 20 to 25 seers, best rice (in Chitra) 14 seers, common rice 21 to 25 seers, and gram 12 to 16 seers.
In the interior the prices range as follow :—Wheat 12-37 to 16 seers, barley (in Daltongunge) 20-5 seers, best rice 21 to 26 seers, common rice 27 to 36 seers, bulrush Daltongunge) 24-75 seers, murwa 43 to 50 seers, maize or Indian-corn (in Daltongunge) 40 seers, and gram 14-75 to 18 seers.
In the interior the prices range as follow :—Wheat 8 to 10 seers, barley (in Govindpore) 20 seers, best rice 20 to 22 seers, common rice 23 to 24 seers, bulrush mill seers, lesser millets (in Govindpore) 40 seers, maize or Indian-corn 36 to 60 seers, and gram 8 to 10 seers.

Prices Current of Food-grains through

QUANTITIES PER RUP																		
DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Hicus Sorghum.			Bulrush Millet (Cumboo, Bajra Pennisetia Spica		
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
id	No return received																	
	14 1	14 10	12 8	25 14	24 12	15 12	9 0	6 12	6 12	13 8	13 8	10 11	23 10	22 8	15 3	21 6	21 6	15 6
	16 4	15 10	15 0	21 14	20 10	19 6	7 13	7 13	7 8	16 4	16 4	11 4	23 12	21 6	20 0	21 4	20 0	17 1
	15 0	15 0	15 9	19 12	20 6	23 6	6 0	6 0	6 0	14 6	14 11	13 3	22 6	21 9	20 6	18 9	21 0	18 4
	13 12	13 7	14 1	18 12	17 8	21 4	5 10	5 10	5 0	15 0	15 0	11 4	18 2	20 0	20 0	17 3	18 2	18 2
	15 4	14 9	16 4	21 0	20 0	23 8	6 4	6 4	6 2	16 0	16 8	13 0	22 4	21 8	20 0	19 8	20 0	17 1
	18 12	18 12	15 0	31 4	31 4	20 0	11 4	11 4	8 12	17 8	17 8	11 0	27 8	27 8	22 8	22 8	20 0	17 1
	13 8	13 8	14 0	24 8	24 8	20 8	6 8	6 8	6 0	13 0	13 0	11 0	28 0	28 0	21 0	22 0	21 0	18 1
	12 8	13 8	13 12	21 8	26 8	22 0	4 0	4 0	4 0	11 8	11 8	10 8	21 0	25 0	21 8	22 8	22 8	19 1
	12 7	12 12	16 0	17 3	17 3	23 2	6 4	5 12	5 5	13 13	13 15	12 1	15 13	16 13	13 15	21 16	21 19	19 1
input rgunnahs	13 0	13 8	16 8	19 4	19 0	26 0	5 0	5 0	4 0	12 8	13 0	15 8	18 4	19 0	21 0	21 0	20 0	17 1
	12 0	12 0	15 0	19 0	19 0	23 8	5 8	5 8	6 0	14 8	14 8	14 0	20 0	20 0	21 0	21 0	21 0	19 1
	15 0	15 4	17 4	19 8	20 8	25 0	7 0	6 0	9 0	15 0	15 0	11 0	23 0	22 8	21 0	21 0	21 0	19 1
	14 0	14 0	18 0	17 0	17 0	20 0	6 0	6 0	6 0	10 0	10 0	9 0	26 0	22 0	26 0	20 0	20 0	17 1
	14 0	14 0	17 6	30 0	29 15	25 0	8 8	8 4	8 0	13 8	13 2	11 0	32 0	26 15	21 9	26 0	25 10	22 2
	11 12	13 0	15 0	28 0	32 0	17 0	11 0	13 0	8 0	11 0	15 0	12 0	27 0	29 0	27 0	27 0	27 0	17 1
	14 0	13 12	16 0	21 8	23 0	23 8	8 0	7 8	6 8	14 0	13 0	12 0	22 8	21 0	21 8	21 0	21 0	18 1
	12 12	12 14	12 8	21 8	21 8	20 4	8 8	8 8	8 8	17 8	17 8	14 0	25 8	28 4	21 12	21 8	21 8	18 1
	12 0	12 0	14 12	17 8	18 0	17 8	6 0	6 8	11 0	14 0	14 0	12 8	32 0	31 12	27 0	26 0	23 0	20 0
	No return received																	
id	13 11	13 4	15 3	16 14	16 14	21 15	6 12	7 0	6 0	12 10	13 8	11 13	27 6	29 5	26 10	22 13	21 15	19 1
	15 8	15 13	13 1	25 11	26 2	20 7	7 12	7 12	7 1	19 12	19 12	12 11	26 1	29 10	23 4	21 1	21 1	16 1
	16 3	15 4	12 9	22 8	23 6	20 11	11 11	12 9	7 10	18 0	18 11	15 4	21 9	21 9	21 12	21 9	22 8	21 4
	15 8	15 8	13 1	24 0	24 0	19 0	11 4	11 4	10 0	20 0	20 0	16 4	27 0	27 0	27 0	27 0	27 0	17 1
	11 0	11 0	13 6	23 10	23 10	17 5	8 2	6 10	7 3	19 3	17 15	14 11	29 10	20 10	23 10	21 10	21 10	17 1
	12 0	12 0	13 0	20 0	20 0	18 8	9 0	9 0	7 0	16 0	18 0	12 0	24 0	21 0	20 0	22 0	23 0	17 1
	14 2	14 7	14 2	22 4	23 6	19 2	10 14	11 15	8 11	18 8	19 9	11 15	23 13	23 13	21 13	21 12	21 12	17 1
	14 2	14 2	13 8	23 3	23 3	17 6	7 1	7 1	7 1	17 6	16 1	12 14	23 13	23 13	21 13	23 13	23 13	20 0
	No return received																	
	13 8	13 6	14 4	20 9	19 14	21 4	5 8	5 8	4 12	15 6	15 5	11 12	20 11	20 13	25 0	19 11	19 14	18 1
ur	13 0	13 0	14 8	20 0	19 0	22 0	7 0	7 8	6 0	14 0	14 0	13 0	25 0	23 0	25 0	20 0	20 0	19 1
	13 8	13 12	14 4	20 0	19 0	19 0	8 0	8 0	9 0	14 8	13 0	12 8	20 8	21 0	25 8	18 12	20 0	19 1
	No return received																	
	13 12	13 13	15 1	20 12	20 10	21 1	4 11	4 11	5 2	13 10	14 0	12 11	22 8	22 8	22 8	18 12	18 12	18 1
	18 0	16 8	16 0	27 0	27 0	22 0	6 8	6 0	5 8	18 0	18 0	12 0	29 0	27 0	26 0	27 0	25 0	24 1
	14 11	14 12	13 2	23 0	22 4	20 4	9 0	9 2	7 4	16 12	11 8	12 8	21 0	23 8	25 0	17 12	16 8	16 1
	13 8	13 8	12 8	29 0	29 0	18 0	7 0	7 0	6 8	15 0	15 0	11 0	27 0	30 0	30 0	17 0	16 0	18 1
	16 10	15 11	13 8	27 8	18 0	18 0	11 12	15 0	9 11	18 10	18 14	14 1	28 4	27 10	30 8	20 19	18 1	18 1
	15 4	15 6	14 13	26 8	26 8	21 13	17 0	17 8	13 9	18 0	20 0	14 8	25 0	28 8	28 8	21 12	21 12	18 1
	15 16	16 0	14 0	26 0	25 0	20 0	9 0	9 0	8 0	21 0	21 0	16 0	27 0	26 0	24 0	26 0	26 0	21 1
ur	15 2	16 5	12 10	28 12	28 5	19 2	19 8	18 9	11 13	22 13	24 4	14 10	30 1	31 8	22 8	27 5	26 12	19 1
	No return received																	
	14 8	14 8	13 8	23 0	20 8	21 0	...	...	...	13 0	13 0	10 0	22 0	21 8	19 8	18 8	19 0	18 1
	16 8	15 4	14 12	24 0	23 8	22 0	...	...	...	12 0	11 0	9 8	24 0	21 0	19 8	21 0	20 0	22 2
	No return received																	
	13 0	13 0	13 0	22 0	22 0	30 0	...	...	...	8 0	6 8	8 0	25 0	25 0	24 0	22 0	22 0	23 1
	14 0	14 0	14 4	22 0	21 0	22 0	...	...	...	9 0	9 0	8 0	25 0	26 0	21 0	19 8	19 0	19 1
	14 0	14 0	15 0	32 0	32 0	45 0	...	...	...	10 0	9 0	12 0	28 0	25 0	30 0	24 4	24 0	27 1
	No return received																	
	13 12	14 0	16 8	18 8	20 0	25 0	...	...	...	10 0	10 0	8 0	19 0	19 0	20 0	18 0	18 0	17 1
ur	10 8	10 0	11 0	13 0	14 0	20 0	...	...	...	10 0	9 4	19 0	20 0	20 0	18 0	13 0	14 0	14 1
	13 4	13 8	14 8	17 0	18 0	18 0	...	...	...	8 0	9 0	8 0	20 0	20 0	18 0	16 0	15 0	13 1
	13 4	13 8	15 8	18 8	19 0	23 0	...	...	...	10 0	10 0	9 0	19 0	20 0	20 0	17 0	16 0	14 1
	11 0	12 0	13 0	13 0	14 0	16 0	...	...	...	11 0	14 0	10 0	...	...	...	...	...	...
	12 4	12 12	14 4	17 0	17 8	20 8	...	...	...	9 0	9 0	9 12	18 0	18 8	16 12	15 8	15 8	13 1
	13 0	13 4	12 8	15 0	15 8	21 0	...	...	...	11 0	11 0	11 8	18 0	19 0	18 0	15 12	17 0	15 1
	12 8	12 8	14 8	14 0	14 0	18 0	...	...	...	12 0	10 0	12 0	18 0	18 0	15 0	14 0	14 0	12 2
	12 8	12 8	13 8	17 0	16 0	24 0	...	...	...	9 8	9 0	8 0	18 0	16 0	20 0	16 0	13 0	17 1
	13 0	13 8	15 0	22 0	21 0	28 0	...	...	...	9 0	9 0	8 0	20 0	22 0	18 0	18 0	19 0	18 1
	12 8	13 0	13 8	15 0	15 0	26 0	...	...	...	9 8	9 8	11 0	16 0	17 0	20 0	12 0	12 0	12 2
ur	8 0	8 6	16 4	10 0	10 12	27 0	...	...	...	5 4	4 12	6 0	14 0	11 0	...	10 12	11 8	18 1
	11 8	11 12	16 0	14 14	15 0	26 0	...	...	...	9 0	9 0	9 8	14 4	13 12	...	14 4	14 4	18 1
	12 6	12 15	4 16	16 0	16 8	24 0	...	...	...	7 0	8 0	8 0	15 0	16 8	8 18	14 8	15 2	17 1
	10 12	11 0	13 12	14 0	14 0	23 8	...	...	...	8 0	8 0	7 8	12 8	13 0	15 8	8 12	12 8	15 1
	12 0	12 12	9 12	18 0	19 0	16 0	...	...	...	8 0	8 0	6 0	17 0	16 0	14 0	15 0	16 0	11 1
	11 8	11 8	11 4	16 0	16 0	17 0	...	...	...	8 0	8 0	7 0	14 0	15 0	13 0	13 0	13 8	13 1
	12 6	12 0	12 0	16 0	16 0	16 0	...	...	...	7 0	7 0	6 0	16 0	16 0	...	14 0	14 0	13 1
	13 8	13 0	10 6	20 0	19 0	16 0	...	...	...	5 0	5 0	6 0	14 0	14 0	11 0	16 0	15 0	12

for the 1st half of December 1879—continued.

ERS OF 80 TOLAHS.

Millet, Ragi, Kauri, Veragu, Cheena, Corallo, wa, Naglee, Pami, Filicium, &c.		Gram.			Firewood.			Salt.			DISTRICTS.	PROVINCES.	REMARKS.
Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.			
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.			
...	...	15 3	15 3	12 15	135 0	135 0	130 0	No return received	...	...	Garhwál .		
...	...	15 10	14 6	16 4	125 0	125 0	125 0	...	10 10	10 5	Bijnor .		
...	...	15 0	16 3	17 6	120 0	144 0	192 0	9 4½	9 0	9 0	Moradabad .		
...	...	14 1	13 7	15 10	87 0	100 0	125 0	9 6	9 6	10 0	Budaun .		
...	...	12 4	12 8	17 4	140 0	140 0	160 0	9 0	9 0	9 12	Barilly .		
...	...	12 8	11 4	13 12	200 0	200 0	100 0	9 6	9 6	10 0	Shahjahanpur .		
...	...	14 8	14 8	16 8	60 0	60 0	80 0	11 0	11 0	9 8	Tarai Pergunnahs		
...	...	14 8	15 0	16 8	60 0	60 0	90 0	12 0	12 0	11 0	Muttra .		
...	...	12 1	12 7	16 7	95 0	109 0	140 0	...	...	10 6½	Agra .		
...	...	13 0	12 12	17 12	120 0	120 0	160 0	9 8	9 8	9 8	Furukhabad .		
...	...	14 8	14 8	16 8	80 0	80 0	120 0	8 0	8 0	8 0	Mainpuri .		
...	...	13 0	13 0	18 8	100 0	100 0	140 0	11 8	11 8	11 0	Etawah .		
...	...	16 0	16 0	16 0	120 0	120 0	120 0	...	...	...	Etah .		
...	...	15 5	16 0	17 8	200 0	200 0	200 0	...	...	...	Jalaun .		
...	...	15 8	18 0	18 0	160 0	160 0	240 0	9 0	9 0	8 0	Jhansi .		
...	...	15 0	14 8	15 0	90 0	90 0	140 0	11 0	11 0	10 8	Lalitpur .		
...	...	12 12	13 0	12 8	200 0	200 0	200 0	9 0	9 0	8 8	Cawnpore .		
...	...	18 0	18 0	15 8	180 0	180 0	160 0	...	...	...	Fatehpur .		
...	...	16 14	17 0	16 5	140 0	180 0	180 0	No return received	...	...	Banda .		
...	...	13 6	12 11	14 13	169 8	169 8	197 12	8 6	8 6	8 15	Allahabad .		
...	...	14 13	15 4	13 8	160 0	160 0	160 0	8 0	8 0	8 0	Hamirpur .		
...	...	15 0	14 12	13 12	140 0	140 0	160 0	7 8	7 8	8 0	Jaunpur .		
...	...	13 4	13 4	12 6	177 0	177 0	177 0	8 2	8 2	8 2	Gorakhpur .		
...	...	12 0	10 0	13 0	80 0	90 0	140 0	9 0	9 0	9 0	Basti .		
...	...	14 11	13 1	11 15	100 0	120 0	120 0	8 11	8 11	7 12½	Azamgarh .		
...	...	12 14	12 14	12 14	206 0	206 0	206 0	7 11½	7 11½	7 6	Mirzapur .		
...	...	30 0	21 4	13 3	64 6	70 0	120 0	9 0	9 0	8 4	Benares .		
...	...	18 0	24 0	12 8	120 0	120 0	200 0	8 8	8 8	8 0	Ghaziipur .		
...	...	30 0	34 0	12 8	110 0	110 0	180 0	8 0	8 0	8 4	Unao .		
...	No return received	...	...	Bara Banki .		
...	...	14 1	14 1	15 1	220 0	220 0	300 0	8 7	8 7	8 15	Sitapur .		
...	...	40 0	31 0	18 0	160 0	200 0	200 0	8 0	8 0	8 0	Hardui .		
...	...	24 4	24 8	15 0	120 0	100 0	160 0	8 8	8 8	8 12	Kheri .		
...	...	42 0	40 0	16 0	150 0	160 0	160 0	8 0	8 0	8 4	Fyzabad .		
...	...	38 13	34 10	18 6	240 0	240 0	240 0	8 12	8 12	8 6	Bharnach .		
...	...	35 0	...	10 8	200 0	200 0	200 0	8 0	8 0	8 0	Gonda .		
...	...	40 0	40 0	11 4	160 0	160 0	160 0	8 8	9 0	9 0	Rai Bareilly		
...	...	31 9	19 13	11 9	200 0	200 0	193 5	8 5	8 4	8 2	Sultanpur .		
...	Partabgarh .		
...	...	17 0	17 4	15 8	60 0	50 0	80 0	9 8	9 8	9 12	Delhi [a] .		
...	...	16 8	15 8	16 8	80 0	80 0	140 0	9 8	9 8	9 0	Gurgaon .		
...	...	20 0	22 0	20 0	100 0	100 0	100 0	No return received	...	...	Karnal .		
...	...	19 0	19 0	16 12	100 0	100 0	100 0	9 0	9 0	8 0	Hissar .		
...	...	26 0	26 0	28 0	110 0	110 0	80 0	9 8	9 4	8 12	Rohtak .		
...	9 8	9 8	8 0	Sirsa [b] .		
...	...	19 0	17 12	17 0	100 0	100 0	80 0	No return received	...	...	Umballa .		
...	...	13 4	13 0	12 4	80 0	80 0	100 0	11 0	11 0	9 8	Ludhiana .		
...	...	17 4	17 4	15 4	90 0	100 0	90 0	7 12	7 8	7 12	Simla .		
...	...	17 0	17 0	16 0	120 0	120 0	120 0	10 0	9 8	8 0	Jullundur [c] .		
...	...	12 4	10 8	11 0	200 0	200 0	160 0	9 8	10 0	9 4	Hoshiarpur .		
...	...	16 0	15 8	15 12	80 0	80 0	80 0	8 0	8 0	8 0	Kangra [d] .		
...	...	14 0	14 8	14 0	150 0	120 0	120 0	10 9	11 3	9 11	Amritsar .		
...	...	15 0	15 8	13 8	120 0	120 0	120 0	11 4	11 0	9 12	Sialkot [a] .		
...	...	15 8	15 0	13 0	70 0	70 0	75 0	9 4	9 4	8 8	Gurdaspur .		
...	...	18 8	18 4	18 0	70 0	70 0	90 0	10 8	10 8	9 8	Lahore [e] .		
...	...	14 4	14 8	14 0	100 0	100 0	100 0	12 0	11 0	10 8	Ferozepore .		
...	...	9 6	9 8	11 0	24 0	30 0	30 0	11 0	10 12	10 12	Gujranwala .		
...	...	13 12	13 8	12 0	110 0	110 0	110 0	12 8	12 8	11 0	Rawalpindi .		
...	...	13 6	13 6	13 0	80 0	90 0	120 0	11 8	11 8	11 0	Jhelum .		
...	...	12 4	13 0	13 8	320 0	320 0	320 0	14 0	14 0	14 0	Gujrat [e] .		
...	...	14 8	15 0	12 0	80 0	80 0	70 0	11 12	11 12	10 8	Shahpur .		
...	...	14 8	14 0	12 0	200 0	200 0	160 0	11 12	11 8	11 0	Mooltan .		
...	...	15 0	15 0	14 0	200 0	200 0	160 0	10 0	10 0	9 0	Jhang .		
...	...	15 0	15 0	12 0	100 0	100 0	100 0	11 0	11 0	10 8	Montgomery .		
...	...	10 12	10 7	13 2	100 0	106 4	75 0	32 8	32 8	50 0	Muzaffargarh .		
...	No return received	...	...	Dera Ismail Khan		
...	...	6 2	6 4	9 6	48 8	48 8	61 0	26 6	26 12	45 0	Dera Ghazi Khan		
...	...	6 7	7 6	10 3	40 0	63 12	...	56 0	63 12	76 8	Bannu .		
...	...	6 4	6 0	9 0	120 0	120 0	110 0	7 0	7 0	8 0	Peshawar .		
...	Kohat [f] .		
...	Hazara .		

Description of Lesser

- * Choti jowar.
- † Kodon.
- ‡ Mendua.
- § Mendua, kodon, labi sawan.
- || Sawan, kodon.
- ¶ Peas, arhar, and má

- [a] Firewood falling.
- [b] Jowar falling.
- [c] Firewood rising.
- [d] Rice rising.
- [e] Bajra falling.
- [f] Salt and firewood

QUANTITIES PER RUPEE

[illegible]

the 1st half of December 1879—concluded.

OF 80 TOLAHS.

lets, Bagl, ru, Vernagu, ona, Corallo, uples, Pansum, &c.		Gram.			Firewood.			Salt.			DISTRICTS.	PROVINCES.	REMARKS.
Ch.	S. Ch.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.			
..	..	8 4	8 4	8 14	140 0	140 0	120 0	10 4	10 4	10 4	Nagpur	CENTRAL PROVINCES.	
..	..	7 0	7 0	7 0	..	..	..	9 4	9 4	9 12	Bhandara		
..	..	8 0	8 12	9 0	..	..	..	8 8	8 12	9 0	Chanda		
..	..	10 0	10 0	8 8	132 0	132 0	121 0	9 0	9 0	10 0	Wardha		
..	..	10 0	10 0	9 0	300 0	300 0	300 0	9 0	9 0	8 0	Balaghat		
..	30 0	13 8	13 8	11 8	110 0	120 0	140 0	8 8	8 12	8 0	Jubbulpore		
..	..	13 12	13 4	13 0	110 0	160 0	120 0	6 12	6 8	6 8	Saugor		
..	..	17 12	17 8	13 8	200 0	200 0	240 0	8 12	8 4	9 2	Damoh		
..	..	12 8	12 8	9 8	200 0	240 0	240 0	9 4	9 8	9 0	Seoni		
0 16 0	..	17 0	15 0	13 0	240 0	240 0	240 0	8 8	8 0	8 0	Mandla		
14 11 0	..	12 0	11 0	10 0	240 0	240 0	240 0	8 0	8 0	8 0	Betul		
0 13 0	..	12 0	12 0	9 0	200 0	240 0	200 0	8 0	8 0	8 0	Chhindwara		
..	..	10 6	10 2	10 2	120 0	120 0	120 0	9 0	9 0	8 0	Hoshangabad		
0 32 0	..	13 0	12 8	18 0	160 0	160 0	160 0	9 8	9 8	8 8	Narsinghpur		
..	..	11 8	10 8	10 8	120 0	120 0	120 0	9 8	9 0	11 0	Nimár		
..	..	14 0	14 0	12 12	60 0	60 0	86 0	8 0	8 0	7 12	Raipur		
..	..	13 0	13 0	12 0	210 0	210 0	140 0	8 0	8 0	7 8	Sambalpur		
0 80 0	..	20 0	20 0	12 0	120 0	120 0	130 0	7 0	7 0	7 0	Bilaspur		
..	No return received		..	..	Upper Godavari		
6 16 12	..	8 8	8 8	7 8	130 0	130 0	65 0	8 14	8 14	8 14	Secunderabad	HYDERABAD ASSIGNED DISTRICTS.	
..	..	9 0	8 3	7 11	116 14	116 14	112 11	9 5	9 5	9 0	Bolarum		
..	..	9 8	9 0	7 0	80 0	80 0	130 0	8 12	8 4	8 8	Chuddergat		
..	..	9 0	9 0	9 8	50 0	50 0	40 0	10 0	10 0	10 0	Amrâoti		
0 7 0	..	9 0	8 8	9 0	61 0	64 0	61 0	8 0	8 0	8 0	Akola		
..	..	9 0	8 8	7 8	64 0	64 0	64 0	8 0	8 0	8 0	Ellichpur		
..	..	9 0	10 0	7 0	..	..	..	8 0	8 0	8 0	Buldâna	MYSORE AND COORG.	
..	..	8 0	9 0	7 0	100 0	100 0	100 0	8 0	8 0	8 0	Wân		
..	..	8 0	8 0	7 0	64 0	64 0	64 0	8 0	8 0	7 0	Basim		
12 18 11	..	24 12	22 15	13 3	84 0	84 0	84 0	10 5	10 0	11 0	Bangalore.		
14 22 10	..	27 6	25 2	17 2	172 6	172 6	172 6	11 1	11 1	12 2	Kolar		
0 19 3	..	28 0	24 0	10 8	130 0	130 0	130 0	9 0	9 8	9 8	Tâmkûr		
0 18 0	..	27 0	25 0	15 0	78 0	78 0	78 0	7 12	8 0	8 0	Mysore		
0 15 0	..	22 0	20 0	11 0	800 0	800 0	126 0	7 0	8 0	8 0	Hassan		
6 20 8	..	19 15	18 6	14 3	480 0	480 0	480 0	8 6	7 14	8 8	Shimoga		
0 16 0	..	20 0	16 0	12 0	60 0	60 0	60 0	9 0	8 0	9 0	Kadur		
0 20 0	..	20 0	19 8	12 0	100 0	100 0	100 0	8 0	8 0	7 8	Chitaldroog	RAJPOOTANA.	
2 18 14	..	20 13	20 15	13 14	110 0	110 0	110 0	8 2	8 3	7 8	Coorg		
..	..	13 1	13 0	13 13	..	..	..	11 0	11 0	12 10	Jeyapore		
..	..	13 8	13 8	..	..	..	..	11 12	11 12	*	Kishengurh		
..	..	13 13	14 7	16 0	..	..	..	10 15	10 7	..	Ulwur		
8	*	13 0	13 0	*	120 0	120 0	*	11 8	11 8	*	Bhurlpore (City)		* Not received.
..	..	15 0	15 0	14 4	60 0	50 0	90 0	11 0	11 0	20 0	Ajmere		
..	..	14 4	16 2	14 0	..	..	..	11 4	11 2	15 6	Deoli Cantonment		
..	..	19 0	19 0	12 12	160 0	160 0	160 0	11 4	11 4	16 0	Erinpura		
..	..	15 0	15 0	12 0	200 0	200 0	200 0	11 7	11 7	23 0	Sirohee		
..	..	14 8	15 0	9 8	120 0	160 0	120 0	10 8	10 4	12 4	Abu	CENTRAL INDIA.	
..	..	15 8	16 0	10 8	..	..	..	11 8	11 12	14 0	Anadra		
..	..	20 0	20 0	9 4	6 pies†	8 pies†	8 pies†	8 0	8 0	6 12	Hilly Tracts of Meywar		
..	..	13 4	13 4	11 5	200 0	200 0	200 0	8 9	7 13	10 15	Meywar (Oodeypore)		
..	..	16 4	16 4	11 4	..	..	..	8 2	8 2	10 0	Bânswâra (Meywar Agency)		† Per man's load.
..	..	11 4	..	15 10	..	..	..	9 1	..	12 8	Partâgarh (")		
..	..	16 14	16 14	12 8	70 0	70 0	70 0	12 13	13 12	25 0	Marwar (Jodhpore)		
..	No return received		..	..	Bikaner		
..	..	17 8	16 12	18 0	160 0	160 0	160 0	8 8	9 4	..	Boondee		
..	..	19 0	17 0	16 8	240 0	240 0	240 0	10 0	9 4	9 4	Kotah		
..	..	17 12	17 1	15 0	120 0	120 0	120 0	11 3	10 11	11 0	Tonk		
..	..	15 6	15 4	18 12	..	..	..	8 13	8 13	8 14	Jhalawar	CENTRAL INDIA.	
..	..	13 4	14 0	13 8	160 0	160 0	160 0	10 4	10 8	16 8	Shahpoora		
..	..	12 3	12 7	16 7	..	..	..	11 4	11 4	9 8	Dholpur		
..	No return received		..	..	Indore	CENTRAL INDIA.	
..	No return received		..	..	Gwalior		
..	No return received		..	..	Goona		
..	No return received		..	..	Rutlam		
..	No return received		..	..	Baghelkhand (Sutua)		

R. B. CHAPMAN,
Secretary to the Govt. of India.

GOVERNMENT OF INDIA.

HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS
FOR THE WEEK ENDING THE 6th JANUARY 1880.

GENERAL REMARKS.—Slight rain fell during the week in some parts of Madras, Bengal, the North-Western-Provinces and Oudh, and Assam. More rain is wanted for the spring crops; but agricultural prospects, as yet, continue favourable on the whole. The public health is now generally good, except in Poona, Dharwar, North Kanara, and Moorsshedabad.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary (Jan. 3rd)	...	<i>Ragi</i> 25·65; harvest of early dry crops; sowing of second crop paddy; standing crops in good condition.
Kurnool (" ")	...	<i>Ragi</i> 29·85; paddy being harvested; standing crops withering in one taluk; blight one taluk; pasture and water abundant.
Ganjam (" ")	·5 (in one station).	<i>Ragi</i> 30·09.
Kistna (" ")	...	<i>Ragi</i> 29·22; standing crops generally good; harvest of wet crops commenced; 22·8 inches water over anicut.
Chingleput (" ") (Madras)	...	<i>Ragi</i> 22·96; sowing in 2 taluks; standing crops somewhat injured by insects in parts of 3 taluks; elsewhere doing well; harvest outturn $\frac{1}{2}$ to $\frac{3}{4}$; pasture abundant.
Coimbatore (" ")	·03 (in one station).	<i>Ragi</i> 24·32; dry crops withering in parts of all taluks but one; wet in fair condition; harvest of paddy, <i>cholum</i> , <i>ragi</i> , and <i>cumboo</i> , outturn paddy $\frac{1}{4}$ to full, others $\frac{1}{2}$ to $\frac{3}{4}$.
Tanjore (" ")	·2 average of four stations)	<i>Ragi</i> 28·77; crops in good condition; harvest of paddy and a few dry grains, outturn $\frac{1}{2}$ to full.
Madura	·70 (average of five stations).	<i>Ragi</i> 24·26.
Malabar (Jan. 3rd)	...	<i>Ragi</i> 20·34; harvest commenced in parts of 5 taluks.
Travancore (" ")	·52	<i>General Remarks</i> .—General prospects good, except in Trichinopoly, North Arcot, and western parts of South Arcot, where want of rain is much felt.
Bombay— (Jan. 7th)		
Kurrachee	...	No report received.
Hyderabad	...	Weather seasonable; horned cattle attacked with throat swelling in taluka Hala; slight damage by locusts in 4 talukas.
Ahmedabad	...	<i>Rabi</i> promising; prices falling.
Baroda	...	Weather seasonable and agricultural prospects good.
Surat	...	Standing crops healthy; fever in 4 talukas.
Nasik	...	Ague in 3 talukas, cattle disease in one, measles in Dindori; <i>rabi</i> crops fair.
Colaba (Bombay)	...	Average abnormal temperature 2 degrees cool, wind normal, air abnormally dry on 3rd and 4th.
Poona (Jan. 4th)	...	Cholera in city, deaths 182; also in K'ed taluka.
Ahmednagar	...	Crops in inferior soil withering; injury by rats in Kopergaon.
Sholapore	...	Prospects unchanged; prices stationary.
Dharwar	...	<i>Kharif</i> harvest completed; fever general; <i>rabi</i> crops favourable; exotic cotton slightly damaged.
Kanara	...	Sowing of second crop continues on coast; fever very prevalent; cholera in Honore subsided.
Rajkot	...	Weather cold; <i>rabi</i> promising; health good.
		<i>General Remarks</i> .—Prospects unchanged; cholera increasing in Poona, and fever in Kanara and Dharwar.
Bengal— (Jan. 6th)		
Chittagong	0·85	Weather cloudy from Friday (2nd), to-day (6th) fair; <i>amun</i> damaged to some extent by rain; cold weather crops doing well; cholera still prevailing in south.
Dacca	0·12	Prospects of crops good; health good.
24-Pergunnahs (Alipore)	Nil	Prospects of <i>amun</i> and winter crops good; fair outturn expected; reaping of <i>amun</i> still continues; public health fair.
Moorsshedabad	Nil	<i>Rabi</i> crops doing well; epidemic fever still prevalent in thana Burwa; deaths from cholera still reported from Berhampore town.
Rajshahye	Nil	Weather cool and clear; heavy dews at night; winter rice still being cut; outturn generally very good where crop not damaged by floods; spring crops have come up well and are thriving; public health good.
Burdwan	Nil	Fair average rice crop reaped; spring crops promise well; health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—contd.		
Rungpore ...	<i>Nil</i>	Weather fair, dry, and cool; crops favourable; public health good.
Bhāgalpur ...	<i>Nil</i>	Prospects of <i>rabi</i> crops and general health good.
Purneah ...	<i>Nil</i>	Prospects good all round; public health good.
Patna ...	<i>Nil</i>	Rain would do good to <i>rabi</i> crops; prospects generally favourable.
Durbhanga ...	<i>Nil</i>	<i>Aghani dhan</i> coming into market; in places harvesting completed; <i>rabi</i> continues favourable, but a little rain will do much good; prices rising; public health good.
Hazāribāgh ...	<i>Nil</i>	Weather seasonable and fine; <i>rabi</i> crops doing well; prices cheap; general health good.
Cuttack ...	0·04	Winter crops good; rice being harvested; small-pox prevalent.
		<i>General Remarks.</i> —Slight rain in a few districts during week; in Chittagong some damage done to <i>amun</i> by rain; <i>rabi</i> crops everywhere doing very well, but require a little rain in some places, especially in Patna Division; <i>amun</i> harvest nearly finished; outturn on the whole a fair average; pulses and sugarcane also being harvested in places; small-pox and cholera reported in many districts.
N.-W. Provinces and Oudh—		
Benares (Jan. 6th) ...	...	Clear weather; prospects and health both good.
Allahabad ( " " ) ...	...	Cloudless sky; westerly wind; rain much needed; crops in good condition; health good, <i>wheat</i> 13½, coarse <i>chanwal</i> 19½, unhusked <i>dhan</i> 38 seers.
Gorakhpur (" 5th) ...	4 in north of district on 27th Dec.	Weather since clear; prospects good.
Jhānsi (" 7th) ...	<i>Nil</i>	Prospects good; prices stationary.
Agra (" 6th ) ...	...	<i>Rabi</i> crops thriving well; <i>arhur</i> has suffered from frost; sickness is lessening.
Bareilly (" 7th) ...	Slight rain on 27th Dec.	Weather clear and cold.
Meerut (" 7th ) ...	...	Sky clear; wind west; prospects good.
Kumaun (" 5th ) ...	...	Weather fine; cold; prospects good.
Lucknow (" 7th ) ...	...	Weather seasonable; prospects good; <i>millet</i> large, seers 23-12.
Partabgarh (" 5th) ...	<i>Nil</i>	Prospects good; a little rain would have been beneficial.
Sitapur (" 7th) ...	<i>Nil</i>	Weather seasonable; prospects good.
Fyzabad (" 7th) ...	<i>Nil</i>	Crops thriving; <i>cane</i> crushing commenced.
		<i>General Remarks.</i> —Rain wanted in Allahabad and Partabgarh; crop thriving; health generally good.
Punjab—(Jan. 6th)		
Delhi ...	...	Prospects good; fever decreasing; prices steady.
Hissar ...	...	Crops thriving after last week's rain, and prices have fallen.
Umballa ...	...	Agricultural prospects good.
Jullundur ...	...	Crops promising; prices steady; health good.
Lahore ...	...	State of crops and health of district good.
Ferozepore ...	...	Agricultural prospects fair; prices steady.
Siālkot ...	...	No report received.
Rāwalpindi ...	...	Crops thriving well; public health improving.
Peshāwar ...	...	Weather still frosty; prices steady.
Mooltan ...	...	Crops and health good; prices steady.
Dera Ismail Khan ...	...	Crops fair; prices stationary.
		<i>General Remarks.</i> —Reports from all districts favourable, and public health improving.
Central Provinces—		
Nāgpur (Jan. 7th) ...	...	Clear and cool; <i>rabi</i> promising; threshing of <i>khariḥ</i> crops continues; health good.
Jubbulpore ...	...	Clear; cold; prospects of <i>rabi</i> good; small-pox continues; prices stationary.
Saugor ...	...	Clear; cold; <i>rabi</i> prospects favourable; health good; prices stationary.
Seoni ...	...	Clear; prospects good; rain needed for <i>rabi</i> .
Hoshangabad ...	...	Weather seasonable; <i>rabi</i> promising; health good; prices stationary.
Raipur (Jan. 3rd) ...	...	Clear and cool; <i>rabi</i> doing well; cattle disease continues; prices stationary.
Sambalpur (" 2nd) ...	...	Castor and mustard doing well; sugarcane cutting; health good.
		<i>General Remarks.</i> —Clear; cold; threshing of <i>joiar</i> and <i>khurit</i> pulses continues; <i>rabi</i> promising; health improving; prices stationary.
British Burma—		
(Jan. 7th)		
Akyab ...	...	Public health normal; crops being reaped; good harvest expected.
Rangoon ...	...	Slight cholera and small-pox; fever and small-pox continue in Hantawaddy; cattle disease very slight; reaping progressing.
Bassein ...	...	Public health good; slight cattle disease; reaping nearly over.
Prome ...	...	Slight small-pox in Prome town; otherwise public health good.
Amherst (Moulmein) ...	...	Public health good; crops nearly gathered.
Toungoo ...	...	Public health and crop prospects good.
		<i>General Remarks.</i> —No rainfall reported from any part of the province during the week; public health generally good; crops being secured satisfactorily.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Assam—(Jan. 7th)		
Gauhati	<i>Nil</i>	Weather unsettled and variable; mornings and evenings cool and foggy; prospects of crops favourable.
Sylhet	34	Weather seasonable; prospects of cold weather crops continue good.
Cachar	54	Weather seasonable; prospects and outturn of rice crops very good; common rice 12½ seers a rupee; public health good.
Dibrugarh	<i>Nil</i>	Harvesting of <i>sali</i> finished; district healthy.
Mysore and Coorg—(Jan. 7th)		
Bangalore ... ..	...	Standing crops in good condition; prospects favourable; health generally good; four fatal cases of cholera in Nagamangala, Hassan district; prices falling.
Mysore ... ..	...	} No report received.
Mercara ... ..	...
Berar & Hyderabad—(Jan. 7th)		
Amráoti ... ..	...	<i>Kharif</i> reaping completed; <i>rabi</i> doing well.
Akola ... ..	...	<i>Rabi</i> prospects good.
Hyderabad... ..	<i>Nil</i>	<i>Jowari</i> crops damaged somewhat; outturn expected to be less than last year; weather warmer; no cattle disease.
Central India States—(Jan. 7th)		
Indore ... ..	...	Health and prospects good.
Morar (Gwalior)	<i>Nil</i>	
Sutna ... ..	...	Prospects good; <i>jowar</i> 28 seers.
Rutlam ... ..	...	Weather clear; public health and prospects good.
Neemuch ... ..	...	Season crops thriving.
Goona	<i>Nil</i>	
Bhopal ... ..	...	} Health and agricultural prospects good.
Agar ... ..	...
Nowgong ... ..	...	No report received.
Mánpur ... ..	...	Weather clear; <i>rabi</i> crops excellent.
Rajputana—		
Meywar (Dec. 26th) ... ..	...	Tanks, wells, health, and prospects good.
Harowtee (Jan. 3rd) ... ..	...	Health and prospects good.
Jhallawar („ 1st)	01	Health and prospects good.
Ajmere („ 7th) ... ..	...	Prospects excellent; fever prevalent.
Jeypore ... ..	...	} Prospects favourable; seasonable; fever disappearing.
Bhurt pore ... ..	...
Ulwur (Jan. 6th) ... ..	...	Recent rain improved <i>rabi</i> prospects; health greatly improved.

C. BERNARD,

Offg. Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 4. } CALCUTTA, SATURDAY, JANUARY 24, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Port William, the 23rd January, 1880.

No. 2.—Mr. Tindal A. Pearson, Barrister-at-law, has been confirmed in the office of Reporter for the Indian Law Reports in the High Court, Calcutta, *vice* Mr. F. S. Collis.

No. 3.—Whereas by Resolutions passed by the Secretary of State for India in Council on the nineteenth day of September, 1872, and fourth of June, 1874, respectively, the provisions of the thirty-third of Victoria, chapter three, section 5, were declared applicable to the territories now under the administration of the Chief Commissioner of Assam:

And whereas the Chief Commissioner of Assam has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same:

And whereas the Governor General in Council has taken such draft and reasons into consideration,

and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

REGULATION No. I of 1880.

A Regulation to repeal parts of Regulations V of 1873 and I of 1876.

WHEREAS it is expedient to extend the Elephants Preservation Act, 1879, to certain districts in

the territories administered by the Chief Commissioner of Assam in which Regulation No. V of 1873 (*a Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal*) is in force, and also to the portion of the said territories known as the Gáro Hills District in which Regulation No. I of 1876 (*a Regulation for the peace and government of the Gáro Hills District*) is in force;

and whereas by sections eight to ten of the former Regulation and sections six to eight of the

latter Regulation certain rules are laid down with regard to the killing and capturing of wild elephants;

and whereas it is expedient that, on the extension of the said Elephants Preservation Act, 1879, the said sections of Regulation No. V of 1873 and Regulation No. I of 1876, respectively, should be repealed; It is hereby enacted as follows:—

1. Whenever the said Elephants Preservation Act, 1879, is extended to any portion of the said territories in which the said Regulation No. V of 1873 or the said Regulation No. I of 1876 is in force, sections eight to ten (both inclusive) of the said Regulation No. V of 1873 or sections six to eight (both inclusive) of the said Regulation No. I of 1876, as the case may be, shall be repealed:

Provided—

(a) that every license to kill or capture elephants issued under the said sections and in force in any portion of the said territories at the time when the said Elephants Preservation Act, 1879, is extended to such portion of territory, shall be deemed to have been granted under that Act; and

(b) that nothing herein contained shall affect anything done or any offence committed or any fine or penalty incurred or any proceedings commenced before this Regulation comes into force.

No. 4.—Whereas by Resolutions passed by the Secretary of State for India in Council on the nineteenth day of September, 1872, and fourth day of June, 1874, respectively, the provisions of the thirty-third of Victoria, chapter three, section one, were declared applicable to the territories now under the administration of the Chief Commissioner of Assam:

And whereas the Chief Commissioner of Assam has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same:

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

REGULATION No. II OF 1880.

THE ASSAM FRONTIER TRACTS REGULATION, 1880.

WHEREAS it is expedient to provide for the removal of certain frontier tracts in Assam inhabited or frequented by barbarous or semi-civilized tribes from the operation of enactments in force therein; It is hereby enacted as follows:—

1. This Regulation may be called "The Assam Frontier Tracts Regulation, 1880."

It extends to such frontier-tracts within the territories administered by the Chief Commissioner of Assam as the Governor General in Council may, by

notification in the *Gazette of India*, from time to time direct;

and it shall come into force in each of such tracts on such day as the Governor General in Council

in like manner directs in this behalf.

Every notification extending this Regulation to any tract shall specify the boundaries by which such tract is separated from the adjoining territory in British India.

2. When this Regulation has been extended in any manner hereinbefore prescribed to any tract, the enactment shall cease to be in force. Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, by notification in the local Gazette, direct that any enactment in force in such tract shall cease to be in force therein, but not so as to affect the criminal jurisdiction of any Court over European British subjects.

3. Whenever any question arises as to the line of boundary between any tract to which the provisions of this Regulation have been extended as aforesaid and the adjoining territory in British India, such officer as the Chief Commissioner of Assam from time to time appoints may consider and determine such line of boundary; and the order made thereon by such officer, if confirmed by the said Chief Commissioner, shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Port William, the 22nd January 1880.

No. 127.—The Governor General in Council is pleased, under Section 27 of the "Indian Arms Act, 1878," to exempt from the operation of all prohibitions and directions contained in Sections 13, 14, 15 and 16 of the said Act, other than those referring to cannon articles designed for torpedo service, war rockets and machinery for the manufacture of arms and ammunition, the under-mentioned persons, viz.:—

Shahzadah Ahmed Hulleemuzzaman—

a grandson of the late Tippoo Sultan and a Political Pensioner.

Sorab Jung, of Bankipore—

a member of the family of the late Nawab Monceroddowlah and a Political Pensioner.

Kumar Bhikhun Narayan Sing—

son of Sir Joy Prokash Sing, K.C.S.I., Maharajah Bahadoor of Deo in the District of Gya.

Kumar Harendra Kishore Sing—

son of Rajendro Kishore Sing, Maharajah Bahadoor of Bettiah, one of the Chief Landholders in the District of Chumprun.

Giraj Sen—

nephew of Sahab Proladh Sen, Rajah Bahadoor of Ramnugger, in the District of Chumprun.

ESTABLISHMENTS.

The 19th January 1880.

No. 24.—APPOINTMENT.—Major F. W. Grant, Assistant Commissioner, 2nd Class, in the Hyderabad Assigned Districts, to officiate as Inspector General of Police, Registration and Jails in those Districts during the absence on leave of Major A. Farrer, or until further orders.

No. 28.—Mr. E. Grey is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 4th November 1879.

The 21st January 1880.

No. 33.—The services of Mr. H. C. Williams, Assistant Commissioner in Assam, are temporarily placed at the disposal of the Foreign Department.

The 22nd January 1880.

No. 37.—APPOINTMENT.—Lieutenant-Colonel J. Johnstone, Political Agent, Manipur, to officiate as Deputy Commissioner of the Naga Hills, in the 3rd Grade of Deputy Commissioners, in addition to his own duties, with effect from the 22nd October 1879, until further orders.

MEDICAL.

The 21st January 1880.

No. 50.—Assistant Surgeon Kishori Mohun Ghose is permitted to resign the service, with effect from the 1st May 1879.

The 23rd January 1880.

No. 58.—With reference to Home Department Notifications No. 203, dated 19th March 1879, and No. 406, dated 18th July 1879, Surgeon Major J. Jones, M.D., is appointed substantively *pro tempore* Surgeon Superintendent of the Presidency General Hospital, Calcutta, with effect from the 10th April 1878 until the date from which he was confirmed in that appointment, *viz.*, 1st February 1879.

PORT BLAIR.

The 23rd January 1880.

No. 18.—The services of Surgeon E. S. Brander, M.B., Officiating 2nd Medical Officer, Port Blair, are temporarily placed at the disposal of the Military Department, with effect from the 9th instant.

Dr. Selby Morton, B.A., M.D., is appointed to officiate as 2nd Medical Officer during Surgeon Brander's deputation on military duty or until further orders.

ECCLESIASTICAL.

The 19th January 1880.

No. 17.—Her Majesty's Secretary of State for India has granted a further extension of leave or three months, on medical certificate, to the Reverend P. J. Jarbo, M.A., Senior Chaplain of the Bengal Ecclesiastical Establishment.

FORESTS.

The 23rd January 1880.

No. 55F.—Mr. A. T. Drysdale, Deputy Conservator of Forests of the 2nd Grade in the Hyderabad Assigned Districts, is granted furlough in Europe for one year, under Section 18, Chapter IV, of the Civil Leave Code, with effect

from the 1st February 1880, or any subsequent date on which he may avail himself of it.

Mr. Drysdale is also granted 15 days' subsidiary leave.

Mr. C. Bagshawe, Deputy Conservator of Forests of the 3rd Grade in the North-Western Provinces, is appointed to officiate as a Deputy Conservator of Forests of the 2nd Grade in the Hyderabad Assigned Districts, during the absence of Mr. Drysdale, or until further orders.

C. BERNARD,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Fort William, the 17th January 1880.

No. 20 I.-J.—The Governor-General in Council is pleased to appoint Major H. Y. Murray, Assistant Secretary, Public Works Department, Rajpootana, to the temporary charge of the Magisterial duties at Abu, in addition to his own, with effect from the date of assuming charge; and to invest him with the powers of a Magistrate of a District, as defined in the Code of Criminal Procedure (Act XXV of 1861).

The 23rd January 1880.

No. 23 I.-J.—In exercise of the power conferred by Section 3 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor General in Council is pleased to declare that Act I of 1871 (The Cattle Trespass Act, 1871) is in force in the Cantonment of Morar.

No. 24 I.-J.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor General in Council is pleased to extend Act X of 1877 (The Code of Civil Procedure [except sections one and three, which are already in force there] as amended by Act XII of 1879 [an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877]) to the Cantonment of Morar.

No. 25 I.-J.—In exercise of the power conferred by Section 61 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor General in Council is pleased to direct, for the purpose of carrying out the provisions of Act X of 1877 (The Code of Civil Procedure) as amended by Act XII of 1879, that—

(a) The Cantonment Magistrate of Morar, for the time being, shall, in addition to all powers which he at present exercises, exercise the powers of a District Court for hearing original suits, whatever be the amount or value of the subject matter.

(b) The Political Agent, Gwalior, for the time being, shall exercise the powers of an Appellate Court for hearing appeals from the decrees and orders of the Cantonment Magistrate.

(c) The Agent to the Governor General in Central India for the time being shall exercise the powers of a High Court for hearing appeals from the decrees and orders passed in appeal by the Political Agent.

No. 27 I.-J.—In continuation of Foreign Department Notification No. 143 J., dated 18th July 1872, applying to the Province of Mysore the provisions of Act X of 1872 (The Code of Criminal Procedure), it is hereby notified that for the words "British India," wherever they occur in that Act, the words "the territories of Mysore" shall be substituted.

2. In exercise of the powers conferred by section 319 of the said Act, the Governor-General in Council is pleased to appoint the Central Jail at Bangalore as a place to which persons sentenced to transportation by the Courts in Mysore should be sent.

GENERAL.

The 20th January 1880.

No. 162 G.-G.—APPOINTMENT.—Lieutenant T. Hope, Senior Attaché, Foreign Department, is appointed to officiate temporarily as Political Agent of the 3rd Class, and Assistant Secretary in the Foreign Department, with effect from the 16th January 1880.

The 22nd January 1880.

No. 171 G.-G.—Colonel J. D. Hall, 2nd Regiment, Central India Horse, is appointed to officiate

as Political Agent, Western Malwa, until further orders, *vice* Lieutenant-Colonel C. Martin.

No. 175 G.-G.—APPOINTMENT.—Captain A. P. Thornton, Political Assistant, 3rd Class, and Officiating Assistant Cantonment Magistrate, Morar, to officiate as Cantonment Magistrate, Nasirabad, with effect from the date of assuming charge.

No. 179 G.-G.—The services of Lieutenant C. W. Ravenshaw are replaced at the disposal of the Military Department, with effect from the date of his being relieved of his duties.

The 23rd January 1880.

No. 186 G.-G.—APPOINTMENT.—Captain John Angus, Aide-de-Camp to Lieutenant-General J. Forbes, C.B., Commanding Mhow Division, is appointed to be Wing Officer, Deoli Irregular Force, with effect from the date of assuming charge.

No. 189 G.-G.—Mr. H. L. St. Barbe, C. S., Political Assistant, 2nd Class, is appointed to officiate as Political Assistant, 1st Class, with effect from the 1st instant. Mr. St. Barbe is posted as 2nd Assistant to Agent, Governor-General, Central India.

A. C. LYALL,

Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 23rd January 1880.

No. 346.—Mr. W. Synnott, Assistant Commissioner, Inland Customs Department, is appointed to the charge of the Didwana Salt Source, with effect from the date on which he took charge.

The 24th January 1880.

No. 385.—Regimental Savings Banks in British Regiments and Batteries of Artillery and the rate of interest on deposits in such Savings Banks are regulated by Act 22 and 23 Vic., Cap. 20. Therefore the recent Resolution No. 2037, dated 20th December 1879, upon the subject of Savings Banks, cannot apply to such Banks.

The Governor General in Council has, accordingly, directed the substitution of the words "District and Presidency Savings Banks" for the words "District, Presidency and Military Savings Banks" in para. 2 of that Resolution.

No. 388.—In exercise of the powers conferred by Section 21 of Act XIV of 1866 (the Indian Post Office Act, 1866), and in supersession of all existing Notifications conflicting herewith, the Governor General in Council directs that the rates of postage specified in the Schedule hereto annexed shall be chargeable on the letters and other articles specified in the said Schedule sent on and after the 1st day of February 1880 from British India through the post, to the places and by the routes specified in the said Schedule.

Schedule referred to in the foregoing Notification.

COUNTRIES, &c.					PRINTED PAPERS INCLUDING BOOKS, &c.		LEGAL AND COMMERCIAL DOCUMENTS, EACH PACKET.		SAMPLES, EACH PACKET.		
C—denotes compulsory prepayment.					Each letter per ½ oz.	Each Post-card.	Each newspaper per 4 oz. C.	Each packet per 2 oz.	Not exceeding 4 oz.	Per 2 oz. additional.	Per 2 oz.
					A.	A.	A.	A.	A.	A.	A.
* Africa, West Coast, British, French, Spanish, and Portuguese possessions ... via Brindisi through United Kingdom ...					C 4½	2	1½	1½	3	1½	1½
*† Africa, West Coast, except Liberia and British, French, Spanish, and Portuguese possessions „ Ditto ditto ...					C 9	...	2	2	4	2	2
* Argentine Republic ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
*† Ascension ... „ Ditto ditto ...					C 9	...	2	2	4	2	2
* Bermuda ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
*† Bolivia and Chili ... „ Ditto ditto ...					C 14	...	2½	2½	5	2½	2½
* Brazil, Empire of ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
* Canada, Dominion of ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
* Cape of Good Hope, Delagoa Bay and Natal, „ Ditto ditto ...					9	...	2	2	4	2	2
Chili, see "Bolivia."											
*† Costa Rica and Guatemala ... „ Ditto ditto ...					C 14	...	2	2	4	2	2
Delagoa Bay, see "Cape of Good Hope."											
*† Ecuador and Nicaragua ... „ Ditto ditto ...					C 14	...	2½	2½	5	2½	2½
* Falkland Isles ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
Guatemala, see "Costa Rica."											
* Gambia, British, French, and Dutch ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
*† Hawaii ... „ Ditto ditto ...					C 6	...	2½	2½	5	2½	2½
*† Hayti ... „ Ditto ditto ...					C 14	...	2	2	4	2	2
* Honduras, British and Foreign ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1	1½
* Liberia, Republic of ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1	1
* Madeira ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
* Mexico ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
* Miquelon and St. Pierre ... „ Ditto ditto ...					C 14	2	1½	1½	3	1½	1½
Natal, see "Cape of Good Hope."											
* Newfoundland ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
Nicaragua, see "Ecuador."											
*† Paraguay ... „ Ditto ditto ...					C 9½	...	3	3	6	3	3
* Peru ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
* Salvador or San Salvador ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
San Salvador, see "Salvador."											
* St. Helena ... „ Ditto ditto ...					11	...	2	2	4	2	2
St. Pierre, see "Miquelon."											
* United Kingdom ... „ Brindisi ...					1½	2	1½	1½	3	1½	1½
* Ditto ... „ Ditto for soldiers' and seamen's letters ...					1½	...	...	...	...	...	...
Ditto ... „ Mediterranean ditto ...					...	...	...	...	...	...	...
* United States of America ... „ Brindisi through United Kingdom ...					C 14	2	1	1½	3	1½	1½
*† Ditto Columbia ... „ Ditto ditto ...					C 14	...	2	2	4	2	2
* Ditto Venezuela ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
*† Uruguay ... „ Ditto ditto ...					C 14	...	2	2	4	2	2
* West Indies, British, belonging to the Union, viz., Antigua, Dominica, Jamaica, Montserrat, Nevis, St. Christopher's, Trinidad, Virgin Islands ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½
* West Indies, British, not belonging to the Union, viz., Bahamas, Barbadoes, Carriacou, Grenada, St. Lucia, St. Vincent, Tobago, Turks Island ... „ Ditto ditto ...					14	...	2	2	4	2	2
* West Indies, Danish, Dutch, French, and Spanish ... „ Ditto ditto ...					C 4½	2	1½	1½	3	1½	1½

* Special train transit through Europe. The Post-card rate of 2 annas *via* Brindisi must be made up by attaching a 1-anna adhesive stamp to the Foreign Post-card bearing an embossed stamp of the value of 1½ annas.
† No registration available.
‡ May be made up by attaching a 1-anna adhesive stamp to the soldiers' 9 pies envelopes.

MILITARY DEPARTMENT.*Fort William, the 23rd January 1880.***APPOINTMENTS.****No. 50.—PERSONAL STAFF—**

Lieutenant-Colonel W. L. Dalrymple, 88th Foot, to officiate as Aide-de-Camp on the Personal Staff of the Viceroy and Governor General,—Dated 8th January 1880.

Lieutenant G. C. Kitson, 4th Battalion, 60th Foot, to officiate as Aide-de-Camp on the Personal Staff of His Excellency, *vice* Captain Lord W. L. DelaP. Beresford, V.C., resigned.

Lieutenant B. M. Hamilton, 2nd Battalion, 15th Foot, to officiate as Aide-de-Camp, *vice* Lieutenant A. F. Liddell, on field service.

Lieutenant-Colonel W. L. Dalrymple, 88th Foot, Officiating Aide-de-Camp, to officiate as Military Secretary to His Excellency, with effect from the 21st January 1880, *vice* Major A. C. W. Crookshank, proceeding on field service, and during the period Colonel (Brigadier-General) T. D. Baker, C.B. (Aide-de-Camp to the Queen), may be employed on field service, or until further orders.

No. 51.—Lieutenant-Colonel G. F. Graham, S.C., Commandant, Calcutta Volunteer Rifle Corps and Administrative Battalion, Presidency Volunteers, to be *ex-officio* an Honorary Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General.

No. 52.—ARMY REMOUNT DEPARTMENT—

First Class Veterinary Surgeon J. J. Meyrick is confirmed in the appointment of Assistant Superintendent, Horse Breeding Operations, Punjab, *vice* Veterinary Surgeon W. Boyd.

No. 53.—MEDICAL DEPARTMENT—

Surgeon-Major A. Eteson, M.D., is confirmed in the appointment of Secretary to the Surgeon-

No. 56.—BREVET—*Subject to Her Majesty's Approval.*

Rank, Names and Corps.	To what rank promoted.	From what date.	In succession to
Captain (now Major) Arthur Frederick Jones, Bengal Infantry.	Major	Nov. 17, 1879	Lieutenant-General W. B. Salmon, Bombay Staff Corps, retired.
Captain (now Major) James Gawler Macleod, Bengal Infantry.	Major	Nov. 20, 1879	Major-General (Lieutenant-General on the Indian Gradation List) G. Verner, Bengal Staff Corps, retired.

No. 57.—*To be Colonels.*

Lieutenant-Colonel Robert Blair Kennedy, Madras Infantry,

Lieutenant-Colonel Michael Robert Bruce, Bombay Staff Corps,

Lieutenant-Colonel James Limond Benwell, Madras Staff Corps,

Lieutenant-Colonel Charles Bean Lane Smith, Madras Staff Corps,

20th January 1880.

General, Indian Medical Service, Bengal, *vice* Surgeon-Major K. McLeod, M.D., who has obtained permanent employment under the Government of Bengal.

No. 54.—PUNJAB FRONTIER FORCE—*3rd Punjab Cavalry.*

Sub-Lieutenant J. B. Dela P. Beresford, to be Squadron Officer, on probation, to fill an existing vacancy.

PROMOTIONS.

No. 55.—Under the provisions of the Royal Warrant of the 28th January 1878, the names of the under-mentioned officers are placed on the Indian Gradation List, as specified:—

Major-General G. Verner, Bengal Staff Corps, is placed on the list of Lieutenant-Generals.

Colonel R. Phayre, C.B., Bombay Staff Corps (Aide-de-Camp to the Queen), is placed on the list of Major-Generals.

Major C. W. Hawes, half pay list, Bengal Staff Corps, is placed on the list of Lieutenant-Colonels.

Major-General the Hon'ble Sir H. Ramsay, K.C.S.I., C.B., Bengal Staff Corps, is placed on the list of Lieutenant-Generals.

Colonel J. H. M. Babington, Madras Staff Corps, is placed on the list of Major-Generals.

Major G. C. Ross, Bengal Staff Corps, is placed on the list of Lieutenant-Colonels.

In consequence of the retirement from the service of Lieutenant-General W. B. Salmon, Bombay Staff Corps, on the 17th November 1879.

In consequence of the retirement from the service of Major-General (Lieutenant-General on the Indian Gradation List) G. Verner, Bengal Staff Corps, on the 20th November 1879.

To be Major.

Captain Thomas Oliver Wingate, Bengal Staff Corps,—30th December 1879.

No. 58.—The promotion of Major J. Hopkins, Unattached List, to the rank of Lieutenant-Colonel by Brevet, as notified in G. G. O. No. 38 of 1880, is subject to Her Majesty's approval.

No. 59.—STAFF CORPS—

The under-mentioned officer, having completed twelve years' service, is promoted to the rank of Captain:—

Lieutenant Clayton William James Hingston, Bengal Staff Corps,—22nd January 1880.

No. 60.—INDIAN ARMY—

The under-mentioned officers, having completed twenty years' service, are promoted to the rank of Major :—

Captain Major Henry Court, General List, Cavalry, Captain George David Reid, General List, Infantry, Captain James Nisbet Steel, General List, Infantry,	} 20th Jan. 1880.
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No. 61.—LONDON GAZETTE—

The following extracts are published for general information :—

"London Gazette," dated the 23rd December, 1879, pages 7535 and 7536.

INDIA OFFICE,
22nd December 1879.

The Queen has approved of the following promotions among the officers of the Staff Corps and Indian Military Services made by the Governments in India.

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Donald Macdonald. Dated 20th October, 1879.

Major John Bartleman. Dated 20th October, 1879.

To be Majors.

Captain Robert Parry Nisbet. Dated 12th October, 1879.

Captain Charles Henry Tilson Marshall. Dated 12th October, 1879.

BENGAL ARMY.**CAVALRY.**

To be Majors.

Captain Richard Tickell Montgomery Lang. Dated 12th October, 1879.

Captain Charles Walter Campbell. Dated 12th October, 1879.

Captain George Woodward Willock. Dated 20th October, 1879.

Captain Martin James Moore. Dated 20th October, 1879.

INFANTRY.

To be Majors.

Captain Arthur Plantagenet Broome. Dated 12th October, 1879.

Captain Samuel Brown Home. Dated 12th October, 1879.

Captain Edwin Robert Ives. Dated 20th October 1879.

Captain Alfred Thornton Davis. Dated 20th October, 1879.

BREVET.

To be Lieutenant-Colonels.

Major David Robertson, Bengal Infantry, in succession to General P. T. Cherry, Madras Cavalry, retired under the Royal Warrant of 31st December, 1877. Dated 18th July, 1879.

Major Arthur William Maenaghten, Bombay Cavalry, in succession to Lieutenant-General E. P. Lynch, Bombay Infantry, retired under the Royal Warrant of 31st December, 1877. Dated 31st August 1879.

To be Major.

Captain (now Major) David William Inglis, Bengal Infantry, in succession to Lieutenant-General Lynch. Dated 13th August, 1879.

FURLOUGH AND LEAVE.

No. 62.—The under-mentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major G. Atkins, S.C., Wing Commander and 2nd-in-Command, 1st Regiment of Native Infantry,—(m. c.) for 1 year, under rules IX and XV of the Regulations of 1868.

Captain C. Strahan, R.E., Deputy Superintendent, 3rd grade, Survey of India,—(p. a.) for 273 days, under rule IX of the Regulations of 1868.

Captain R. A. Gilchrist, S.C., Squadron Officer, 1st Cavalry, Hyderabad Contingent,—(m. c.) for 2 years, under rules IX and XV of the Regulations of 1868.

Captain C. J. Walter, S.C., Wing Commander, 5th Regiment of Native Infantry,—(m. c.) for 1 year, under rules IX and XV of the Regulations of 1868.

Captain H. S. Anderson, General List, Infantry, Wing Commander, 12th (The Kelat-i-Ghilzie) Regiment of Native Infantry,—(m. c.) for 1 year, under rules IX and XV of the Regulations of 1868.

Lieutenant G. A. Williams, S.C., Wing Officer, 27th (Punjab) Regiment of Native Infantry,—(m. c.) for 1 year, under rule VI of the Regulations of 1875.

Surgeon-Major T. Ringer, M.D., Medical Officer, 17th Bengal Cavalry,—(m. c.) for 2 years—1 year 8 days under rules IX and XV, and the remaining period under rule XIV, clause (2), of the Regulations of 1868.

No. 63.—With reference to G. G. O. No. 721 of 1879, Major M. J. Moore, General List, Cavalry, Squadron Officer, 12th Bengal Cavalry, has been allowed by the Right Hon'ble the Secretary of State for India furlough (m. c.) for 1 year 121 days, under rule XIV, clause 1, of the Regulations of 1868.

PENSIONS.

No. 64.—Sub-Conductor Thomas Hewitt, Commissariat Department, is transferred to the Pension establishment.

SPECIAL.

No. 65.—Surgeon-Major J. A. Hanbury, M.B., Army Medical Department, Officiating Deputy Surgeon General, Allahabad Circle, to be Principal Medical Officer with the Reserve Division at Peshawar, and to continue to hold the temporary rank of Deputy Surgeon General while performing the duties.

No. 66.—In G. G. O. No. 999 of 1879, for "Captain E. W. H. Crofton, 60th Rifles," read *Captain J. H. Barnard, C.M.G., 101st Foot*, as Aide-de-Camp to the General Officer Commanding the Khyber Division, Kabul Field Force.

ALLEN JOHNSON, Colonel,

Secy. to the Govt. of India.

MILITARY DEPARTMENT. NOTIFICATION.

Calcutta, the 22nd January 1880.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officers, on the dates specified, were received in the Military Department from 16th to 22nd January 1880 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
3rd Hussars	Lieutenant O. E. S. Forbes	11th December 1879.	Cabul.		
92nd Foot	Lieutenant St. J. W. Forbes	13th December 1879.	Jukht-i-Shah, above Cabul.		
Royal Artillery	Lieutenant C. A. Montanaro	20th December 1879.	Cabul.		

Statement of Deposits on account of Estates from 16th to 22nd January 1880.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
BRITISH MILITARY SERVICE. J. H. Wright (a)	Surgeon-Major.	Army Medical Department.	20th June 1879	No Will found.	Rs. A. P. 5,540 10 6		22nd March 1880.
INDIAN MILITARY SERVICE. F. G. Kinloch (b)	Lieutenant	Bengal Staff Corps	20th Sept. 1879	Not known	1,472 11 4		Ditto.

(a)—*Neat-of-kin*—Mother, Mrs. G. Edmond, 71, Elgin Crescent, Notting Hill—London, W.

(b)—*Neat-of-kin*—Father, Colonel J. G. Kinloch, Logie Kerrie Muir, N. B. Brothers, Major A. A. A. Kinloch and J. A. Kinloch. Sister, Agnes Anne Kinloch.

ALLEN JOHNSON, Colonel,
Secy. to the Govt. of India.

MARINE DEPARTMENT.

Fort William, the 23rd January 1880.

APPOINTMENTS.

No. 1.—With reference to G. G. O. No. 64, dated the 19th September 1879, the admission of Mr. F. Thornbury as a 3rd grade Officer in Her Majesty's Indian Marine, is hereby cancelled.

No. 2.—The following Officers are confirmed in their respective appointments in Her Majesty's Indian Marine :—

Mr. E. J. Beaumont,—4th grade Officer. Mr. J. P. Casey,—4th grade Officer. Mr. H. C. Finch,—3rd class Engineer.	} I. G. S. Hugh Rose.
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No. 3.—Mr. F. M. Barwick, 3rd grade Officer, I. G. S. *Enterprise*, is confirmed in his appointment as 3rd grade Officer in Her Majesty's Indian Marine,—dated 13th September 1879.

ALLEN JOHNSON, Colonel,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENT.

Fort William, the 16th January 1880.

No. 16½.—Lieutenant D. A. Scott, R.E., is transferred from the Peshawar-Jellalabad Railway to the Railway Department under the Government of Bengal.

The 17th January 1880.

No. 17.—The services of Lieutenant D. A. Scott, R.E., Executive Engineer, 4th Grade (temporary rank), Railway Branch, are at his own request replaced at the disposal of the Military Department.

No. 18.—The resignation of Mr. E. J. Martin, Executive Engineer, 1st Grade, notified in Public Works Department Notification No. 516, dated 19th December 1879, is cancelled, and he is transferred from the Railway Branch to the Bengal Provincial Establishment.

The 22nd January 1880.

No. 19.—ERRATUM.—In Public Works Department Notification No. 516, dated 19th December 1879, for “*11th September 1879*,” date of retirement of Mr. A. G. Crommelin, Superintending Engineer, 1st Grade, Rajputana, read “*17th September 1879*.”

No. 20.—Mr. D. C. Gordon, Examiner of Accounts, 2nd Class, 2nd Grade, is on return from furlough appointed Examiner of Guaranteed Railway Accounts, Madras.

No. 21.—Mr. R. K. Williams, Examiner of Guaranteed Railway Accounts, Madras, is appointed to officiate as Examiner of Guaranteed Railway Accounts, Lahore.

No. 22.—Lieutenant W. H. White, R.E., at present on the Peshawar-Jellalabad Railway Survey, is transferred from the Establishment under the Director General of Railways to that under the Government of Bengal for service on the Bengal System of Railways.

The 23rd January 1880.

No. 23.—The services of the under-mentioned Officers are temporarily placed at the disposal of the Military Department for field service :—

Hills, Major G. S., R.E., Executive Engineer, 1st Grade, Bengal Provincial Establishment.
Wells, Lieutenant H. L., R.E., Assistant Engineer, 2nd Grade, Railway Branch.

No. 24.—The services of Mr. J. Hogan, Assistant Engineer, 2nd Grade, Central Provinces Railways, are placed at the disposal of the Director General of Railways.

ALEX. FRASER, Major-General, R.E.,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 24, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for <i>Gazette</i> and Supplement per annum	15	0	0
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Postage	3	0	0
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For a single copy of the Supplement	0	8	0
Postage on single copies varies according to weight.			

E. J. DEAN,
Publisher, Gazette of India.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 20th January 1880.

No. 153.—Consequent on the departure on furlough of Major T. T. Carter, R.E., Deputy Superintendent, 2nd Grade, the following temporary promotions are made in the Survey Department, with effect from the forenoon of the 1st November 1879, the date on which Major Carter availed himself of subsidiary leave:—

Captain C. Strahan, R.E., Deputy Superintendent, 3rd Grade, to officiate in the 2nd Grade.

Major J. Waterhouse, S.C., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 3rd Grade.

Major H. S. Hutchison, S.C., Assistant Superintendent, 2nd Grade, to officiate in the 1st Grade.

No. 154.—Consequent on the departure on furlough of Major J. Waterhouse, S.C., Officiating Deputy Superintendent, 3rd Grade, the following temporary promotions are made in the Survey Department, with effect from the forenoon of the 12th ultimo, the date on which Major Waterhouse made over charge of his duties:—

Captain M. W. Rogers, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. E. C. Barrett, Assistant Superintendent, 2nd Grade, to officiate in the 1st Grade.

The 21st January 1880.

No. 155.—Consequent on the return from furlough of Captain J. Hill, R.E., Assistant Superintendent, 1st Grade, Survey of India, Mr. E. C. Barrett, Officiating Assistant Superintendent, 1st Grade, will revert to his substantive appointment of Assistant Superintendent, 2nd Grade, with effect from the forenoon of the 25th December 1879.

The 22nd January 1880.

No. 156.—Mr. A. D. Smart, Surveyor, 3rd Grade, is placed on the half-pay list, with effect from the forenoon of the 1st January 1880.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 19th January 1880.

No. 112.—With reference to this Office Notification No. 105, dated 31st December 1879, Dr. J. Anderson left Bombay by the Steamer *Forwaerts* on the 15th January 1880.

By Order of the Trustees,

H. B. MEDLICOTT,
Honorary Secretary.

**AGENT, GOVERNOR GENERAL, FOR
BILUCHISTAN, P. W. D.**

NOTIFICATION.

Quetta, the 9th January 1880.

No. 1.—Public Works Notification No. 7 of 6th August 1879, granting special leave for three months to Lieutenant H. L. Wells, R.E., Assistant Engineer, 2nd Grade, to study the native languages, is hereby cancelled.

R. G. SANDEMAN, Major,
Agent, Govr. Genl., Biluchistan.

**PUBLIC WORKS DEPARTMENT—
Military Works.**

NOTIFICATIONS.

Meerut Command.

Meerut, the 19th January 1880.

No. 3.—In continuation of Meerut Command Notification No. 1 of 2nd January 1880, Major J. Birney, R.E., Executive Engineer, 1st Grade, and Major A. C. Paddy, R.E., Executive Engineer, 1st Grade, respectively made over and received charge of the Ranikhet Division, Military Works, on the forenoon of the 12th instant.

The 20th January 1880.

No. 4.—With reference to Government of India, Public Works Department, Notification No. 509 of 17th December 1879, Lieutenant S. Grant, R.E., Assistant Engineer, 1st Grade, reported his departure from this Command on the afternoon of the 10th January 1880 for Field Service.

G. P. DE PALEZIEUX-FALCONNET, Lt.-Col., R.E.,
*Supdg. Engr., Meerut Command,
Military Works.*

Presidency & Oudh Command.

Lucknow, the 21st January 1880.

No. 1.—With reference to this Office Notification No. 22, dated the 29th October 1879, Mr. T. H. Jewett, C.E., Assistant Engineer, Lucknow Division, Military Works, returned from the three months' privilege leave on the afternoon of 19th instant. The unexpired portion of his leave, viz., seven days, is hereby cancelled.

W. R. TUCKER, Lieut.-Col., R.E.,
*Supdg. Engr., Presidency & Oudh Command,
Military Works.*

Rawalpindi Command.

Rawalpindi, the 14th January 1880.

No. 90.—With reference to Inspector General Military Works' Notification No. 102, dated 24th December 1879, Mr. F. W. Morse, Assistant Engineer, 2nd Grade, received charge of the Peshawar Division, Military Works, on the afternoon of the 5th January 1880, from Captain M. A. Alves, R.E., transferred on Field Service.

H. McV. CRICHTON, Major, R.E.,
*Supdg. Engr., Rawalpindi Command,
Military Works.*

Sirhind & Lahore Command.

The 16th January 1880.

No. 63.—Major Beckett, Executive Engineer, Kasauli Division, Military Works, relieved Major Paddy, R.E., Executive Engineer, Dagshai Division, Military Works, of the charge of that division on the afternoon of the 6th January 1880, from which date the latter division has been incorporated with the former.

D. WARD, Lieut.-Colonel, R.E.,
*Supdg. Engr., Sirhind & Lahore Command,
Military Works.*

**CONSULTING ENGINEER TO THE GOV-
ERNMENT OF INDIA FOR GUARAN-
TEED RAILWAYS.**

NOTIFICATIONS.

Lahore, the 19th January 1880.

No. 1.—With reference to this Office Notification No. 14 of 1879, Mr. F. J. Ivens, Assistant Locomotive Superintendent, is temporarily appointed Assistant to the Locomotive Superintendent, Punjab Northern State Railway, with effect from the 18th October 1879.

J. G. MEDLEY, Colonel, R.E.,
*Consulting Engr. to Govt. of India
for Guaranteed Railways.*

Lucknow, the 19th January 1880.

Mr. W. F. O'Donoghue, Assistant Auditor, Oudh and Rohilkund Railway Accounts, availed himself of the three months' privilege leave granted to him in Government of India, Public Works Department, No. 016 R.-E., dated 9th January 1880, from the afternoon of the 12th January 1880.

T. F. DOWDEN, Major, R.E.,
*Offg. Consulting Engr. to Govt. of India
for Guaranteed Railways.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 21st January 1880.

No. 11.—The following transfers are made on the Punjab Northern State Railway:—

Mr. P. T. Large, Executive Engineer, 4th Grade (temporary rank),—from Rathial to Pindi Section,—to Pindi Junction to Peshawar Section.

Mr. J. W. Parry, Assistant Engineer, 1st Grade (temporary rank),—from Pindi Junction to Peshawar Section,—to Rathial to Pindi Section.

No. 12.—Colonel J. Bonus, R.E., Superintending Engineer, 1st Grade (temporary rank), returned from the privilege leave granted him in Public Works Department Notification No. 304 of 24th July 1879, on the forenoon of the 6th October 1879, and assumed charge of the office and duties of Engineer-in-Chief, Pindi Junction to Peshawar Section of the Punjab Northern State Railway on that date.

No. 13.—Mr. A. Bewley, Assistant Engineer, 2nd Grade, Sindia-Nimach State Railway, passed the colloquial examination in the Hindustani language on the 3rd instant.

The 23rd January 1880.

No. 14.—With reference to Public Works Department Notification No. 10, dated 13th January 1880, Mr. N. M. Carnell, appointed as a candidate for the Traffic Department, Superior Classes, is posted to the Indus Valley State Railway.

No. 15.—With reference to Public Works Department Notification No. 24, dated 23rd January 1880, Mr. J. Hogan, Assistant Engineer, 2nd Grade, is posted to the Pindi-Peshawar Section of the Punjab Northern State Railway.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

The 17th January 1880.

No. 1.—With reference to Notification No. 4, dated 9th January 1880, of the Director General of Railways, Mr. S. C. G. Wood, a candidate for the Traffic Department of State Railways, reported his arrival at Mooltan on the forenoon of 16th January 1880.

T. B. B. SAVI, *Captain, R.E.,*
Offg. Manager.

PESHAWAR-JELLALABAD STATE RAILWAY.

NOTIFICATIONS.

Peshawar, the 17th January 1880.

No. 14.—Major K. A. Jopp, R.E., Executive Engineer, 2nd Grade (temporary rank), transferred to this Railway, reported his arrival at Peshawar on the afternoon of the 10th instant.

No. 15.—Lieutenant D. A. Scott, R.E., Executive Engineer, 4th Grade (temporary rank), transferred from this Line to the Bengal Railway Branch, reported his departure from Peshawar on the afternoon of the 20th December 1879.

J. BONUS, *Colonel, R.E.,*
Engineer-in-Chief.

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholepur, the 17th January 1880.

No. 1.—With reference to Notification No. 39, dated 25th November 1879, of the Director General of Railways, the appointment of Mr. H. H. Gahan, Assistant Engineer, 1st Grade, as Officiating Executive Engineer of the Construction Division, took effect from the 1st of December 1879.

H. D. LATOUCHE,
Engineer-in-Chief.

Report of a Deserter from the 2-6th Regiment of Foot, dated at Cawnpore, this 16th day of January 1880.

Number, Rank, and Name,— No. 1972—2071, Private William Davis.	At what Place Enlisted,— Chatham.
Age,—27 years 4 months.	Parish and County in which Born,—Whitechapel, Mid- dlesex, London.
Size,—5 feet 5 inches.	Marks,—Tattooed arms.
Color of— Complexion, fresh; hair, brown; eyes, grey.	Trade,—Shoemaker.
Date of Desertion,—15th January 1880.	Coat or Jacket,—
Place of Desertion,—Cawn- pore.	Waistcoat,— ... } Breeches or } Regi- Trowsers,— ... } mental.
Date of Enlistment,—8th August 1870.	REMARKS,—None. Under 2 years' service.

H. B. FEILDEN, *Lieut.-Col.,*
Comdg. 2-6th Regt. of Foot.

Report of a Deserter from the 2-7th Regiment of Royal Fusiliers, dated at Bombay, this 15th day of January 1880.

Number, Rank, and Name,— No. 493de.—272, Private James Morris, <i>alias</i> John Moore.	At what Place Enlisted,— Clonmel.
Age,—26 years.	Parish and County in which Born,—St. Mary's Cloun- mel, Coy. Tipperary.
Size,—5 feet 5½ inches.	Marks,—Cicatrices in the groin.
Color of— Complexion, dark; hair, black; eyes, hazel.	Trade,—Cooper,
Date of Desertion,—11th January 1880.	Coat or Jacket,—
Place of Desertion,—Colaba, Bombay.	Waistcoat,— ... } Breeches or } Regi- Trowsers,— ... } mental.
Date of Enlistment,—19th December 1872.	REMARKS,—None. Under 8 years' service.

A. G. DAUBENY, *Lieut.-Col.,*
Comdg. 2-7th Regt., Royal Fusiliers.

Report of a Deserter from the 2-7th Regiment of Royal Fusiliers, dated at Bombay, this 15th day of January 1880.

Number, Rank, and Name,— No. 4913de.—2096, Private Jeremiah Mackin.	At what Place Enlisted,— Belfast.
Age,—22 years 5 months.	Parish and County in which born,—Shanklin, Antrim.
Size,—5 feet 5½ inches.	Marks,—None.
Color of— Complexion, fresh; hair, brown; eyes, brown.	Trade,—Fitter.
Date of Desertion,—11th January 1880.	Coat or Jacket,—
Place of Desertion,—Colaba, Bombay.	Waistcoat,— ... } Breeches or } Regi- Trowsers,— ... } mental.
Date of Enlistment,—29th August 1878.	REMARKS,—None. Under 2 years' service.

A. G. DAUBENY, *Lieut.-Col.,*
Comdg. 2-7th Regt., Royal Fusiliers.

Report of a Deserter from the 73rd Regiment of Foot, dated at Lucknow, this 17th day of January 1880.

Number, Rank, and Name,— No. 452. Private Joseph Evans.	At what Place Enlisted,— Liverpool.
Age,—39 years 7 months.	Parish and County in which Born,—Carrieffergus (An- trim).
Size,—5 feet 4 inches.	Marks,—Slight cast of left eye, letter "J" on right arm.
Color of— Complexion, fresh; hair, light brown; eyes, grey.	Trade,—Laborer.
Date of Desertion,—17th January 1880.	Coat or Jacket,—
Place of Desertion,—Luck- now.	Waistcoat,— ... } Breeches or } Serge- Trowsers,— ... } ant and helmet.
Date of Enlistment,—21st March 1859.	REMARKS,—Squints very much. Under 21 years' service.

J. W. BARNES, *Lieut.-Col.,*
Comdg. 73rd Regt.

Report of a Deserter from the 1-12th Regiment of Foot, dated at Nowshera, this 15th day of January 1880.

Number, Rank, and Name,— No. 32Bde.—COO, Private James Pickup.	At what Place Enlisted,— Liverpool.
Age,—23 years 5 months.	Parish and County in which Born.—Manchester. Lan- caster.
Size,—5 feet 6 inches.	Marks,—None.
Color of— Complexion, fresh; hair, auburn; eyes, hazel.	Trade,—Laborer.
Date of Desertion,—14th January 1880.	Coat or Jacket,—
Place of Desertion,—Now- shera.	Waistcoat,— ... } Breeches or } Regi- Trowsers,— ... } mental.
Date of Enlistment,—14th July 1876.	REMARKS,—Escaped from quarter guard, 1-17th Foot.

A. J. R. HUTCHINSON, *Lieut.,*
Comdg. Depôt, 1-12th Foot.

Report of a Deserter from the F-2nd Brigade, Royal Regiment of Artillery, dated at Kirkee, this 18th day of January 1880.

Number, Rank and Name,— 954, Driver William Henry Webb.	Place of Enlistment,—Wool- wich, Kent.
Age,—28 years 1 month.	Parish where Born,—Chest- nut, Ware.
Size,—5 feet 5 inches.	County,—Hertfordshire.
Color of— Complexion, fresh; hair, brown; eyes, blue.	Former Trade or Occu- pation,—Butcher.
Peculiar Marks by which his Identity may be ascer- tained,—Scar in the left groin.	Dress at the time of Deser- tion— Coat or Jacket,—White Jacket (Regimental). Waistcoat,—(None). Breeches or Trowsers,— White Trowsers (Regi- mental).
Date of Desertion,—17th January 1880.	REMARKS, stating any par- ticular circumstances at- tending his Desertion,— None.
From whence Deserted,— Kirkee.	
Date of Enlistment,—30th August 1872.	

J. R. HEYLAND, *Lieut., R.A.,*
Comdg. F-2nd R.A.

NOTIFICATION.

It is hereby notified, under Section 5 of "The Indian Treasure Trove Act (VI of 1878)," that on 2nd December 1879, treasure consisting of five copper idols, valued at about Rs. 23-8, was found

in the village of Eringeur, Negapatam Taluq, Tanjore District, Madras Presidency.

2. All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Tanjore, at his Office, on the 13th of May 1880, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

C. S. CROLE,
Acting Collector.

TANJORE COLLECTOR'S OFFICE;
VELLUM,
The 6th January 1880.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 22nd January 1880 ... Rs. 1,47,46,907-8-8

W. WATERFIELD,
Treasurer to the Govt. of India.

CALCUTTA,
The 23rd January 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jan. 12	31,086	2,01,272	260	8,10,210	80,87,187	39,79,542
" 13	...	1,99,305	3,19,549	6,09,812	87,89,387	40,78,223
" 14	...	2,11,057	3,44,578	1,86,917	9,23,643	41,96,850
" 15	...	2,06,845	1,04,746	3,888	90,18,448	41,80,991
" 16	...	1,06,356	605	3,311	89,32,545	40,23,444
" 17	...	97,083	3,006	436	87,44,065	40,33,927

CALCUTTA MINT. } J. F. TENNANT, *Col., R.E.,*
The 19th Jan. 1880. } *Mint Master.*

Statement of the Affairs of the Bank of Bengal for the week ending 20th January 1880.

LIABILITIES.			ASSETS.		
	Rs.	A. P.		Rs.	A. P.
Capital paid-up	2,00,00,000	0 0	Government Securities	1,02,50,777	0 0
Reserve Fund	22,90,090	0 0	Loans on Government Securities, &c., at Head Office and Branches	70,75,086	15 8
	Rs.	A. P.	Accounts of Credit on Government Securities, &c., at Head Office and Branches	77,21,303	9 9
Public Deposits at Head Office	1,03,07,569	14 8	Bills discounted and purchased at Head Office and Branches	1,29,26,779	2 11
Public Deposits at Branches	1,54,93,013	5 11	Balances with other Banks	3,76,046	14 10
Other Deposits at Head Office and Branches	3,32,31,879	8 10	Bullion	28,073	2 0
Bank Post Bills, &c.	13,26,683	14 3	Dead Stock	9,83,987	12 3
Sundries	10,82,212	10 7	Stamps	7,303	13 6
			Sundries	5,18,741	3 9
				3,98,88,099	10 8
				Rs.	A. P.
			Cash and Currency Notes at Head Office	2,09,61,439	13 10
			Cash and Currency Notes at Branches	2,28,81,909	13 9
				4,38,43,349	11 7
				Rs.	A. P.
				8,37,31,449	6 3

BANK OF BENGAL,
Calcutta, 22nd Jan. 1880.

W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary.
Rate for Demand Loans 4 per cent.

By order of the Directors.

R. HARDIE,
Secy. & Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Akola Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
K 2—30191 ...	20	Mrs. A. M. Lafond, Middle Colaba, Bombay.

NOTES PARTIALLY LOST OR DESTROYED.

	Rs.	
C 91—23924 ...	10	Govind Moreshwar, of Wardha.
K 7—35524 ...	5	Luxmon Bhasker, Vakeel of Akola.
C 91—20751 ...	10	Vishnu Atmaram, Schoolmaster, Akola.
K 7—28512 ...	5	Jajbhoy Allibhoy, of Bombay.
C 91—22310 ...	10	Buldeoosing, Inspector of Police, Buldana.
" —23372 ...	10	Mr. Shriram Bhickajee Jatur, Educational Inspector, Akola.
C 91—23802 ...	10	Mr. Gopal Mahadeo Bhide, Clerk, Small Cause Court, Akola.
C 91—21896 ...	10	Loomba Wunnjee, of Bombay.
C 78—74982 ...	20	Mr. Manekjee Pestonjee, Contractor, G. I. P. Railway, Munmar.
C 78—73148 ...	20	Govind Hurree, of Khedda.
C 78—75268 ...	20	Wassudeo Ramchunder, Manager, <i>Urdu Akhbar</i> , Indore.
C 78—75659 ...	20	Mahomedally Habibulla, of Akola.
K 2—30781 ...	20	Abdul Rahman and Abdullahy, of Chandore, in Nassick.
K 2—30804 ...	20	Mr. C. Duffin, Assistant Superintendent, Government Telegraphs, Deesa.
K 3—22484 ...	50	Mr. Cowasjee Dorahjee, Assistant Shroff, Chartered Bank, Bombay.
* K 2—30827† ...	20	
* " —30825† ...	20	

* Wrongly joined. † Right hand. ‡ Left hand.

AKOLA.

The 15th January 1880. }

C. W. A. DAVIES,

Asstt. Commr. of Paper Currency.

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
227 ...	D 16—05631 ...	10	S. J. Naher, Esq., Hardoi.
" ...	" —05632 ..	10	
" ...	" —05633 ...	10	

ALLAHABAD.

The 21st January 1880. }

W. T. PIERCY, A. A. G.,

In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
W3 ...	M 38—25270 ...	500	The Commissioner of Police, Bombay.
" ...	" —25556 ...	500	

Bombay Circle—continued.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
H10 ...	M 6—20382 ...	5	B. M. Dādina, Dhoolia.
H11 ...	M 35—83532 ...	50	M. N. Nanawaty, Basscin.
H12 ...	M 48—13121 ...	10	Toolsabai Khodabux, Bombay.
" ...	" —13122 ...	10	
H13 ...	C 92—13686 ...	10	Krishnaji Ganesah, Baroda.
" ...	" —13691 ...	10	
H14 ...	M 34—41716 ...	20	Kaikhashroo Nusserwanji, Deslali.
" ...	M 42—70553 ...	10	
H15 ...	M 40—54602 ...	10	Colonel Bolton, Madras Staff Corps.
" ...	M 7—30029 ...	5	
M2 ...	M 34—29902 ...	20	Captain C. W. Babington.
" ...	" —52701 ...		
M3 ...	M 47—22053 ...	10	Sayed Abdool Kadir, Bombay.
" ...	" —22054 ...		

BOMBAY,

The 20th January 1880. }

W. WELLS,

Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
358 ...	O 30—08113 ...	50	The District Superintendent of Police, Julpauric.
360 ...	O 67—51290 ...	100	Babu Russick Lal Coondou.
" ...	" —51291 ...	100	
" ...	" —51292 ...	100	
361 ...	O 30—73046 ...	50	Babu Raj Gobind Shome.
363 ...	O 66—22491 ...	100	The District Superintendent of Police, Silehar.
" ...	" —22492 ...	100	
" ...	" —22493 ...	100	
" ...	" —01513 ...	100	
" ...	" —04514 ...	100	
" ...	" —04525 ...	100	
" ...	" —04526 ...	100	
367 ...	O 58—84769 ...	20	Perian Setty.
368 ...	O 67—49095 ...	100	Huri Mohan Das and Kristo Mohan Das.
370 ...	O 67—54450 ...	100	Abdool Kedur.
" ...	O 31—00216 ...	50	

NOTES PARTIALLY LOST OR DESTROYED.

			Rs.					
221	...	L 30—75704 ...	}	5 Kabiruddeen Ahmed.				
		" —75703 ...						
222		L 34—25449 ...	}	10 Babu Shib Kristo Banerjee.				
		" —25446 ...						
223	...	L 16—57170 ...	}	5 { Babu Brojo Gopal Mutty Lal.				
		L 15—85820 ...						
224	...	O 25—81272 ...	}	20 Babu Siboprosad Bose.				
		" —81271 ...						
225	...	A 11—62321 ...	}	50 Babu Seetanath Banerjee.				
		A 11—22379 ...						
226	...	L 21—09157 ...	}	5 Babu Debendranath Bysack.				
		L 23—99886 ...						
426	...	O 67—20279 ...	}	100 } Dr. Z. M. Ahmed.				
		O 56—13146 ...			}	20 }		
		O 42—72165 ...					}	10 }
		O 50—38751 ...							}	10 }
427	...	O 53—29959 ...	10	Mrs. M. Stapleton.				
428	...	O 66—07825 ...	100	Dhoor Mull.				
429	...	O 66—56739 ...	100	Jankce Das.				
430	...	O 50—12102 ...	10	Mrs. M. Syed Abdoolah.				
431	...	O 36—27636 ...	5	Babu Punchanun Ganguly.				
432	...	O 47—58162 ...	10	} Lalta Pershad.				
		L 31—75656 ...	5					
433	...	A 65—04050 ...	10	Sergeant W. McDermott.				
434	...	O 67—15513 ...	100	}				
		" —26130 ...	100		Babu Raj Kumar Somardar.			
		" —26137 ...	100					
		O 58—20645 ...	20					
		O 54—11202 ...	10					
435	...	A 79—07696 ...	}	10 } Babu Grish Chunder Dutt.				
		" —07704 ...			}	each }		
		A 79—07620 ...					10	
436	...	L 55—01420 ...	5	Babu Lumbodor Surmah.				
437	...	L 43—86668 ...	10	Babu Kedarnath Chatterjee.				

CALCUTTA,

The 23rd January 1880. }

R. A. STERNDALKE,

Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
"	Rs.	
J 8—01591 ...	5	A. Santhappa Chetty, Madras.
J 8—06955 ...	5	K. Naryana Menon, Kuttungal.
J 9—27075 ...	10	} V. Sashaiengar, Bangalore.
J 9—27076 ...	10	
J 9—41283 ...	10	Ambur Chel Labai, Abdul Khader Saib, Madras.
J 5—70359 ...	20	Mr. Thos. A. Rust, Allahabad.
J 9—34445 ...	10	Mrs. Maria Platel, Calicut.
J 9—32228 ...	10	V. S. Rajoo Moodley, Trunkur.
J 8—05471 ...	5	} Mr. W. F. Macfarlane, Kotagherry.
J 12—00737 ...	50	
J 10—36173 ...	100	
CALICUT, }		
The 10th January 1860. }		
J. C. WINSCOM,		
Depy. Collr., in charge of Paper Currency.		

CALICUT,
The 10th January 1880.

J. C. WINSOM,

Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 14—36443 ...	10 {	Lealoo Ayaram Bhatia,
„ —25753 ...	10 {	Shikarpur.
KURRACHEE,		
<i>The 14th January 1850.</i>		
W. PATTON,		
<i>Asstt. Depy. Commr., P. C., K. C.</i>		

KURRACHEE,
The 14th January 1880.

W. PATTON,

Asstt. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
3	... E 16—55938 ...	10 }	Cheerag Deen, Daryai Baf,
	.. —55941 ...	10 }	Cashmiri Bazar, Lahore.
	LAHORE.	}	
	The 17th January 1880.		
C. G. VANSITTART,			
Asstt. to Acctt. Genl., in charge of Currency Office.			

LAHORE,
The 17th January 1880.

C. G. VANSITTART,

Asstt. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
94	... B 29—97899	... 1,000	Mr. J. Davis, Pursewalkum, Madras.
	" —97996	... 1,000	
	B 62—30948	... 100	
95	... B 62—37900	... 100	Mr. F. Matthewson, Madras.
96	... B 57—25229	... 20	Mr. T. Watkins, Supervisor,
	B 61—28725	... 50	D. P. W., Trichinopoly.

NOTES PARTIALLY LOST OR DESTROYED.

			Rs.	
188	...	B 46—87442	...	5 K. Ragavendra Rao, D. P. W., Hoskotah via Bangalore.
189	...	B 51—35241	...	500 Haudakar Hussan Sahib, Merchant, Kurnool.
190	...	B 46—13586	...	5 } Mr. H. Stafford, Nandigal,
		B 52—91220	...	10 } Kurnool District.
191	...	B 46—98869	...	5 Mr. S. Laffry, Body Guard Lines, Madras.
192	...	B 62—21100	...	100 Musa Sumar, near Jackaria's Masjid, Bombay.
193	...	B 35—07997	...	20 P. S. Srinivasa Charlu, Inspector of Police, Bellary.
194	...	B 60—09607	...	10 T. Angoriswami Pillai, Nangunputam.

Madras Circle—continued.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
195 ... B 62—32616 ...	100		
" —32617 ...	100		
" —32618 ...	100		
" —32619 ...	100		
" —32620 ...	100		
25 ... B 40—76101 ...	5		
" —76102 ...	5		
26 ... B 42—59765 ...	20		
" —59766 ...	20		

* Wrongly joined.

FORT SAINT GEORGE,
The 12th January 1880.

H. S. GROVES,

Offg. Asstt. Acctt. Genl.,

in charge of Paper Currency Dept.,

for Offg. Commissioner.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, for cash only, at the following rates:—per four ounce tin, Rs. 4-8; per eight ounce tin, Rs. 5-8; per pound tin, Rs. 16-5. The general public can be supplied by the Superintendent, Botanical Garden, for cash only, at the under-noted rates:—per four ounce tin, Rs. 5-8; per eight ounce tin, Rs. 10-8; per pound tin, Rs. 20. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

یہ دوا کوئینائین کے خوب قابض مقام ہی اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیواے اونکے ہر کوئی ایک مشیت بیسی پوند خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ؛ آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ؛ ایک پوند کے تین کا سولہ روپیہ آٹھ آنہ،

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنہ؛ آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ؛ ایک پوند کے تین کا بیسی روپیہ،

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دواخانوں میں بکتی ہی ماسیواے قیمت مذکور بالا کے محصول ڈاک چار اور آٹھ اونس کے تین کا آٹھ آنہ؛ اور ایک پوند کے تین کا بارہ آنہ،

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th January 1880.

The route for the correspondence addressed to the United Kingdom *viâ* Southampton will be abolished after the 1st February 1880, and ordinary and registered correspondence addressed to the United Kingdom and countries served through it will thereafter be forwarded *viâ* Brindisi at the rates of postage given below.

Soldiers' and Seamen's correspondence prepaid for transmission *viâ* Brindisi will be forwarded by that route, but such correspondence prepaid at the lower (9 pies) rate will be forwarded from India to the United Kingdom, Gibraltar, Malta, and Cyprus by private vessel. Letters so sent by private vessel cannot be registered and must be prepaid.

2. The revised rates given below will appear in the Postal Abstract to be issued in February next; the Postal Guide, however, will not be republished before April next:—

COUNTRIES, &c.	Each Letter per ½ oz.	C Each Post-card.	PRINTED PAPERS, INCLUDING BOOKS, &c.		LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET.		SAMPLES. EACH PACKET.
			C Each Newspaper per 4 ozs.	Each Packet per 2 ozs.	Not exceeding 4 ozs.	Per 2 ozs. additional.	Per 2 ozs.
	As.	As.	As.	As.	As.	As.	As.
C denotes compulsory prepayment.							
United Kingdom <i>viâ</i> Brindisi	4½	2	1½	1½	3	1½	1½
United Kingdom, <i>soldiers' and seamen's letters only, viâ</i> Brindisi*	1½	...	...	...	...	...	...
United Kingdom, <i>soldiers' and seamen's letters only, viâ</i> Mediterranean Sea*	C 3	...	...	...	...	...	...
Gibraltar, Malta, and Cyprus, <i>soldiers' and seamen's letters only, viâ</i> Mediterranean Sea	C 3	...	...	...	...	...	...
any Union Country (see List of Union Countries in Postal Abstract) when addressed <i>viâ</i> Brindisi through United Kingdom	C 4½	2	1½	1½	3	1½	1½
any Union Country by any route except the above†	3	1½	1	1	2	1	1
Africa, West Coast, except <i>Liberia</i> and <i>British, French, Spanish, Dutch, and Portuguese</i> Possessions, Ascension, <i>viâ</i> Brindisi through United Kingdom	C 9	...	2	2	4	2	2
Cape of Good Hope, Natal, Delagoa Bay, <i>viâ</i> Brindisi through United Kingdom	9	...	2	2	4	2	2
Solivia, Chili, Ecuador, Nicaragua, <i>viâ</i> Brindisi through United Kingdom	C 14	...	2½	2½	5	2½	2½
Costa Rica, Guatemala, Hayti, United States of Columbia, Uruguay, <i>viâ</i> Brindisi through United Kingdom	C 14	...	2	2	4	2	2
Hawaii <i>viâ</i> Brindisi through United Kingdom	C 6	...	2½	2½	5	2½	2½
Uruguay <i>viâ</i> Brindisi through United Kingdom	C 9½	...	3	3	6	3	3
St. Helena, West Indies (other than Union Islands), <i>viâ</i> Brindisi through United Kingdom	14	...	2	2	4	2	2

* Soldiers' or Seamen's letters addressed to countries or places served through the United Kingdom are charged at the rates shewn above; but if the place be *foreign* (not *British*), the letters will be liable to additional foreign postage on delivery.

† The letter rate to Ceylon and Persia, however, is 2 annas per ½ oz. (see Postal Abstract).

L. G. WAIT,
for Dir. Genl. of the Post Office of India.

The 20th January 1880.

No. 9080.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, MADRAS.

Mr. V. Kanagasabai Pillay, B.A., B.L., has been appointed to act as Inspector of Post Offices, Mount Division.

Mr. C. V. Kistnama Charlu, B.A., has reverted to his substantive appointment as Supernumerary Inspector of Post Offices, Madras.

G. J. HYNES,

for Dir. Genl. of the Post Office of India.

The 23rd January 1880.

SEA AND OVERLAND MAILS.

For	Box closes at	Date.	Per
Persian Gulf	6 P. M.	24th Jan. 1880.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 "	26th "	Str. <i>Malda</i> .
Australian Colonies	6 "	28th "	From Bombay.*
Overland Mail via Bombay	6 "	28th "	Do. do.
Do. Book post and pattern packets	6 "	27th "	Do. do.
Galle, Penang, Singapore, Hong-Kong, Shanghai and Yokohama	6 "	27th "	Do. do.
Bangoon, Moumein and Straits	6 "	29th "	Str. <i>Parula</i> .
Chittagong, Akyab, Kyauk Phayee, Bassein and Bangoon	6 "	30th "	Str. <i>Busheer</i> .
Persian Gulf	6 "	31st "	From Bombay.

* Letters to Ceylon intended for despatch by the Australian Mail Steamer may be prepaid at the Indian packet rate *viz.* two (2) annas for ½ oz., the portion of the line from Bombay to Galle being non-contract. No registered letters to Ceylon will however be received for despatch by the above opportunity.

N. B.—The Letter Box will close at 6 P.M. precisely, after which hour Overland Letters fully prepaid and bearing an extra postage stamp of two (2) annas on each cover will be received up to 6-30 P.M., or bearing an extra postage stamp of four (4) annas on each cover up to 7 P.M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 23rd January 1880.

Anderson, Miss M. Ida.	Churchill, C. F.	Holleran, Martin.
Balfour, Mrs.	Cowlishaw, John.	Joseph, S. J.
Barnes, Miss.	Cox, H. D.	Kelner, A.
Bazdon, G.	Cook, Sergeant R.	Kempson, Proferia.
Bowen, L. A.	Cullen, A.	Lyons, Mrs. A.
Brigden, C.	Davidson, J. Y.	Manson, G.
Browne, J. W.	Derrick, H.	Moore, H.
Cael, Mrs. C. R.	Donaldson, Tom.	McIver, Mrs.
Cale, C. H.	Duncan, Mrs.	Noble, James.
Campbell, N. J.	Frank, Mrs.	Reed, Mrs. J.
Carlsh	Gonsalves, F. E.	Robertson, F. J.
C. A. S., Mrs.	Gray, H. D.	Smith, Miss A.
Cole, G.	Gregory, A.	Taylor, William.
Cornelius, G. E.	Harley, J. F.	Thrope, Mrs.
Coreoran, J.	Harris, J.	Wallace, G.
Chance, J.	Hellman, Capt. J.	Wilkinson, T.
Chopin, G.	Henning, Miss.	White, Lt. W. H.

Letters marked "Care of Post Office, to be kept till called for."

Hank, Thos.	Grossmann, Jas.	Ryan, P. S.
Begley, Mrs. Mary Ann.	Hallwell, J. A.	Sauleman, H. A.
Breck, A.	Hammond, C. A.	Sandford, J. R.
Brown, Geo., Ship Capt.	Hing, Mrs. Eliza.	Scott, J. W.
Campbell, C.	Holt, Mrs. C.	Schuyone, Sigr. Carmelo.
Common, Charles.	Hunter, John.	Schneider, Oswald Herns.
Corndah, Mrs.	Jellitt, J. H. (Royal Art.)	Shaw, C.
Chukkeropany	Karkoo Ramdeen	Shaw, C. J.
Chab, Mrs.	Jalloda.	Silva, Harold.
Chilton, Mrs. G.	Kennedy, V. Shaw.	Simpson, J. M.
Colin, George.	Kerlovics, R.	Smith, W.
Craig, L. B.	Lawler, James.	Sydney, Robert.
Craig, W.	Lee, J. D.	Stoker, Master H. W.
Crodero, Antonio E.	Lewis, Charles	Stephen, Miss.
C. A.	Loch, Henry.	Stuart, Mrs. W.
Dalrymple, Walter F.	MacLennan, J. M.	Sutton, Revd. G.
Davis, A. A.	Malter, Otto.	Sutton, Capt.
Davis, Robert R.	Martin, Frank.	Swire, H. (2nd R. F.)
Davis, Mrs. M. C.	Mason, Francis.	Tadall, L. W.
D'Arey, L.	McVilham, J.	Vincent, F. (Forest Department.)
DeCruz, Louis.	Meddison, W. J.	W. W.
Deardon, W.	Mills, C. S.	Wahab, E.
Dyer, James.	Moore, J. J.	Wheeler, W.
Donovan, D.	O'Connell, M. Peter.	White, Charles.
Edwards, E.	Pillard, Capt. R.	White, Mrs. J.
Fauner, S.	Putsch, Henry.	Winnmore, H. B. W.
Fitzger, L. T. S.	Raymond, Victor.	Williams, W. J.
Fitzger, Capt. C.	Reed, P.	Williamson, A.
Garden, Dr.	Rix, Geo. R.	Wood, C.
Glendall, Mrs.	Robinson, Mrs. J.	Wood, H.
Gordon, David.	Rose, Donald.	X.
Gordon, F. A.	Rose, E. F.	
Grey, Mrs. E.	Ruade, Mrs.	

Newspapers.

Dalrymple, W. F.	Marshall, —	Sale, M.
Fotheringham, J.	McKennett, —	Scott, J. W.
Jellitt, J. H. (R.A.)	Putsch, H.	Woolfall, Thomas.
Lewis, Charles.		

Registered Letters.

Fauscham, W. E. B.	Paterson, C. F.	Swanson, James.
Henry, C.	Schiavoni, Camelo.	Yeates, T. S. M.
Olson, L. (Engr.)		

E. C. GEORGE,

Presidency Post Master.

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The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

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Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. By R. C. Carrington, F.R.A.S., Marine Survey of India, 1879. *Price, Annas 12; packing and postage, Annas 2.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. Compiled by R. C. Carrington, Marine Survey of India, 1879. *Price, Annas 8; packing and postage, Annas 3.*

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- „ 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.
- „ 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey, Travancore, Malabar Coast.
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- „ 29. Intended alterations in False Point Light from 1st November 1879—Bay of Bengal, Orissa Coast.
- „ 30. Replacing Bar Buoys and extinguishing Narrakel Light—Cochin—Hindustan—West Coast.
- „ 31. Range of visibility of Light exhibited from Krishna Shoal Light-vessel—Bay of Bengal—Coast of Burma.
- „ 32. Batticaloa Light—Ceylon—East Coast.
- „ 33. Buoys marking limits of Foul Ground—Calicut—India—West Coast.
- „ 34. Batticaloa Light—Ceylon—East Coast.
- „ 35. Buoys off Carwar Harbour (Sedashigar).—India—West Coast.
- „ 36. Telegraph Buoy, south of Aden.
- „ 37. Black Buoy off Point Gordeware (Godavery).—Bay of Bengal.
- „ 38. Exhibition of Batticaloa Light throughout the year.
- „ 39. Leading Light in Suez Bay.
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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th January, 1880, and is hereby promulgated for general information:—

ACT No. I OF 1880.

An Act to confer certain powers on Religious Societies.

WHEREAS it is expedient to simplify the manner in which certain bodies of persons associated for the purpose of maintaining religious worship may hold property acquired for such purpose, and to provide for the dissolution of such bodies and the adjustment of their affairs and for the decision of certain questions relating to such bodies; It is hereby enacted as follows:—

Short title. 1. This Act may be called
"The Religious Societies Act,
1880."

Commencement. It shall come into force
at once; and

Local extent. shall extend to the whole
of British India;

but nothing herein contained shall apply to any Hindús, Muhammadans or Buddhists, or to any persons whom the Governor General in Council may, from time to time, by notification in the *Gazette of India*, exclude from the operation of this Act.

Appointment of new trustee in cases not otherwise provided for. 2. When any body of persons associated for the purpose of maintaining religious worship has acquired, or hereafter shall acquire, any property,

and such property has been or hereafter shall be vested in trustees in trust for such body,

and it becomes necessary to appoint a new trustee in the place of or in addition to any such trustee or any trustee appointed in the manner hereinafter prescribed,

and no manner of appointing such new trustee is prescribed by any instrument by which such property was so vested or by which the trusts on which it is held have been declared, or such new trustee cannot for any reason be appointed in the manner so prescribed,

such new trustee may be appointed in such manner as may be agreed upon by such body, or by a majority of not less than two-thirds of the members of such body actually present at the meeting at which the appointment is made.

3. Every appointment of new trustees under section two shall be made to appear by some memorandum under the hand of the chairman of the meeting at which such appointment is made.

Such memorandum shall be in the form set forth in the schedule hereto annexed, or as near thereto as circumstances allow, shall be executed and attested by two or more credible witnesses in the presence of such meeting, and shall be deemed to be a document of which the registration is required by the Indian Registration Act, 1877, section seventeen.

4. When any new trustees have been appointed, whether in the manner prescribed by any such instrument as aforesaid or in the manner hereinbefore provided, the property subject to the trust shall forthwith, notwithstanding any thing contained in any such instrument, become vested, without any conveyance or other assurance, in such new trustees and the old continuing trustees

jointly, or, if there are no old continuing trustees, in such new trustees wholly, upon the same trusts, and with and subject to the same powers and provisions, as it was vested in the old trustees.

5. Nothing herein contained shall be deemed to invalidate any appointment of new trustees, or any conveyance of any property, which may hereafter be made as heretofore was by law required.

6. Any number not less than three-fifths of the members of any such body as aforesaid may at a meeting convened for the purpose determine that such body shall be dissolved; and thereupon it shall be dissolved forthwith, or at the time then agreed upon; and all necessary steps shall be taken for the disposal and settlement of the property of such body, its claims and liabilities, according to the rules of such body applicable thereto, if any, and if not, then as such body at such meeting may determine:

Provided that, in the event of any dispute arising among the members of such body, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of such body is situate; and the Court shall make such order in the matter as it deems fit.

7. If upon the dissolution of any such body there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of such body or any of them, but shall be given to some other body of persons associated for the purpose of maintaining religious worship or some other religious or charitable purpose to be determined by the votes of not less than three-fifths of the members present at a meeting convened in this behalf, or in default thereof by such Court as last aforesaid.

8. Nothing in sections six and seven shall be deemed to affect any provision contained in any instrument for the dissolution of such body, or for the payment or distribution of such property.

9. When any question arises, either in connection with the matters hereinbefore referred to, or otherwise, as to whether any person is a member of any such body as aforesaid, or as to the

validity of any appointment under this Act, any person interested in such question may apply by petition to the High Court for its opinion on such question. A copy of such petition shall be served upon, and the hearing thereof may be attended by, such other persons interested in the question as the Court thinks fit.

Any opinion given by the Court on an application under this section shall be deemed to have the force of a declaratory decree.

The costs of every application under this section shall be in the discretion of the Court.

THE SCHEDULE.

(See section 3.)

Memorandum of the appointment of new trustees of the (*describe the church, chapel or other buildings and property*) situate

at a meeting duly convened and held for that purpose (*in the vestry of the said*) on the day of 18 , A. B. of Chairman.

Names and descriptions of all the trustees on the constitution or last appointment of trustees made the day of

(*here insert the same*).

Names and descriptions of all the trustees in whom the said (*chapel and property*) now become legally vested.

First.—Old continuing trustees:—

(*here insert the same*).

Second.—New trustees now chosen and appointed:—

(*here insert the same*).

Dated this day of 18 .

Signed by the said A. B. as Chairman of the said Meeting, at and in the presence of the said Meeting on the day and year aforesaid in the presence of—

A. B.,
Chairman of the
said Meeting.

C. L.
E. F.

D. FITZPATRICK,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 24, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th January, 1880, and was on the 23rd idem referred to a Select Committee :—

No. 1 OF 1880.

THE BURMA SURVEY BILL, 1880.

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A Bill to provide for the demarcation and survey of land, and for the establishment and maintenance of boundary-marks, in British Burma.

WHEREAS it is expedient to provide for the demarcation and survey of land and for the establishment and maintenance of boundary-marks in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Survey Act, 1880":
Short title.

It extends to the territories for the time being administered by the Chief Commissioner of British Burma;
Local extent.

and it shall come into force at once.
Commencement.

2. The Local Government may, from time to time, appoint persons, by name or by virtue of their office, to be Demarcation-officers and Boundary-officers, and may suspend or remove any person so appointed.
Appointment of Demarcation and Boundary-officers.

Every person so appointed shall, subject to the control of any superior officer appointed by the Local Government in this behalf, exercise and perform, within such local limits as the Local Government may, from time to time, direct, the powers conferred, and the duties imposed, by this Act or the rules made hereunder on such officers respectively.
Functions of Demarcation and Boundary-officers.

CHAPTER II.

DEMARCATON OF BOUNDARIES.

A.—Proceedings of Demarcation-officer.

3. The Local Government may, whenever it thinks fit, by a notification in the official Gazette, direct that the boundaries of any land shall be demarcated:
Power to direct demarcation of boundaries.

Provided that such direction shall not extend to any boundary lying within the limits of—

- (a) any public road, canal, drain or embankment;
- (b) the site of any town or village;
- (c) any military cantonment;
- (d) any civil station;
- (e) the site of any monastery, pagoda or other sacred building.

4. On the publication of any such notification, the Demarcation-officer may enter upon the land specified therein, and do all things necessary for effecting the demarcation of the boundaries of the said land.
Power to enter on land to effect demarcation.

5. The Demarcation-officer shall cause to be published a general notice addressed to all persons owning, occupying or otherwise interested in the said land, and the land marching therewith, and to all persons employed on or connected with the management of such land, calling upon them to attend, either personally or by agent, before him, at such places and at such times as may be stated in such notice, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing the boundary-marks, and of affording such other assistance and information as may be needed for the purposes of the demarcation.
Demarcation-officers to publish general notice.

The persons to whom such notice is addressed shall not be legally bound to attend.

6. The Demarcation-officer may also cause a special notice to be served on any of the persons mentioned in section five requiring such person to attend, personally or by agent, before him on or before a specified date, at such places and for such of the purposes aforesaid as may be stated in such notice; and every person upon whom such special notice may be served shall be legally bound to attend as required by the notice, and, so far as he may be able, to do any of the things mentioned therein.
Demarcation-officer may issue a special notice to procure attendance of individuals.

7. The Demarcation-officer may cause a special notice to be served on any owner or occupier of the said land requiring such owner or occupier to clear any boundary or other line which it may be necessary to clear for the purposes of the demarcation of such land, by cutting down and removing any trees, jungle, fences or standing crops, or to provide labour by furnishing flag-holders, or otherwise to assist in the demarcation of such land; and, if it is necessary to employ hired labour for these or other similar objects incidental to the demarcation, the Demarcation-officer may assess and recover from such owner or occupier the cost thereof.
Clearing of boundary-lines.

8. If any demand for compensation is made in respect of the clearance of any line in accordance with a requisition under section seven, the Demarcation-officer shall determine and record the value of any trees, jungle, fences or standing crops which may have been cut down or removed, and shall pay or tender to the owners thereof the amount of compensation which in his opinion should be allowed therefor.

Any dispute arising concerning the sufficiency of the amount so paid or tendered shall be determined by the Deputy Commissioner upon application made to him for that purpose by either of the disputing parties.

9. The Demarcation-officer may issue a special notice calling upon any person who he has reason to believe can give any information respecting the boundaries of the land, or in whose possession or power any document relating to such boundaries is alleged to be, to attend before him and give such information or produce such document, on a date and at a place to be mentioned in the notice.

Every person on whom any such notice is served shall be legally bound to attend and to give such information or to produce such document as required by the notice.

10. The Demarcation-officer shall, after making such inquiry as he thinks fit, mark out the boundaries of the land, and may cause boundary-marks, of such materials, in such number, and in such manner, as he thinks fit, to be erected by the owners or occupiers of the land, or may erect such marks and charge the cost of such erection to such owners or occupiers, and shall forward a report of his proceedings to the Boundary-officer.

Provided that the Demarcation-officer may, for any sufficient reason, at any time before forwarding his report to the Boundary-officer, alter any boundary marked out by him.

B.—Proceedings of Boundary-officers.

11. The Boundary-officer shall, on receipt of the report of the Demarcation-officer, cause a general notice to be published, informing all persons concerned that such report is open to inspection, and requiring any person who may have any objections to prefer thereto to submit a written statement of such objections within one month from the date of the publication of such notice.

Whenever the Boundary-officer has reason to believe that any person interested is likely to object to any boundary as laid down in such report, he shall cause a special notice to be served on such person requiring him to submit, within the said period of one month, a written statement of his objection.

No person shall be entitled as of right to submit any statement of objection after the expiration of the said period of one month; but it shall be in the discretion of the Boundary-officer to admit any such statement after the expiration of such period.

12. When the said period of one month has expired and the objections (if any) preferred within it or subsequently admitted by the Boundary-officer have been inquired into by him, and any further inquiry which he may deem necessary has been made by him, the Boundary-officer shall pass such order as he thinks fit, confirming or modifying the boundaries as determined by the Demarcation-officer.

If any objection seems to him not to be well-founded, the Boundary-officer may direct that all expenses of the inquiry which have arisen from such objection shall be recovered from the person who made the same.

13. When any person, within sixty days from the date of the order passed under section twelve, prefers any objection to the correctness of the demarcation-proceedings, the Boundary-officer may, in his discretion, either refuse to inquire into such objection, or may require the person making the same to deposit, within a reasonable time, the estimated costs of any further inquiry which it may be necessary to make in respect thereof.

14. If the costs of such further inquiry are deposited, the Boundary-officer shall, after making such further inquiry, pass an order rejecting such objection or admitting the same and amending the order passed under section twelve.

If, on such inquiry, the objection seems to the Boundary-officer not to be well-founded, he may pass such order as he thinks fit in respect of the recovery from the person making the objection of any sum expended on the inquiry in excess of the sum deposited and of any necessary expenses incurred by any other person on account of such inquiry.

No person preferring an objection under section thirteen shall, unless the Boundary-officer specially so directs, recover any portion of the amount deposited by him under section thirteen.

15. For the purposes of any inquiry under this Act, the Boundary officer shall, in addition to the powers conferred specially by this Act, have power to summon and enforce the attendance of witnesses and compel the production of documents, so far as may be, by the same means and in the same manner as is provided in the case of a civil Court by the Code of Civil Procedure.

16. The Boundary-officer, whenever he thinks fit, may, with the consent of the parties concerned, refer any dispute as to a boundary to arbitration.

The procedure laid down in chapter XXXVII of the Code of Civil Procedure shall apply (so far as may be) to such references.

17. The order passed by the Boundary-officer under section twelve, or, when such order is amended under section fourteen, such

amended order shall, unless and until it be reversed or modified in manner hereinafter provided, be conclusive.

C.—Appeals from orders of Boundary-officers.

18. An appeal shall lie to the Commissioner of the Division from every order passed by a Boundary-officer under section twelve or section fourteen.

19. If the Commissioner confirms the order of the Boundary-officer on a matter of fact, such decision shall be final.

In all other cases in which the Commissioner confirms the order of the Boundary-officer, and in all cases in which the Commissioner reverses or modifies the order of the Boundary-officer, an appeal shall lie to the Judicial Commissioner.

20. The period of limitation for an appeal under section eighteen or section nineteen shall run from the date of the order or decision appealed against and shall be as follows, that is to say,—

(a) in the case of an appeal under section eighteen—sixty days;

(b) in the case of an appeal under section nineteen—ninety days.

In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

21. The Commissioner and the Judicial Commissioner shall in hearing and determining appeals presented under this Act have, as nearly as may be, the same powers as they have in the case of appeals from decrees and orders in civil suits.

D.—Boundary-marks.

22. Whenever an order determining a boundary has become final, the Boundary-officer shall, unless permanent boundary-marks of a suitable description have already been erected along such boundary, cause to be erected permanent boundary-marks, of such materials, in such number and in such manner, as he may consider sufficient to distinguish such boundary.

An order determining a boundary becomes final for the purposes of this section when it is not open to appeal.

23. All expenses incurred by the Boundary-officer in erecting such boundary-marks for any land shall be apportioned amongst the owners or occupiers of such land, in such proportions as the Boundary-officer may think fit.

24. When the expenses have been apportioned among such owners or occupiers, the Boundary-officer shall cause a notice to be served on each of them, specifying the amount

payable by him in respect of such expenses, and requiring him to pay such amount to the Boundary-officer within one month from the service of such notice.

25. The Boundary-officer may further cause a notice to be served on any owner or occupier placing under his charge any boundary-marks erected on the boundary of his land whether by order of such officer or otherwise.

Every owner or occupier shall preserve such boundary-marks as may be placed under his charge under this section, and shall give immediate notice to the nearest Magistrate or the officer in charge of the nearest Police-station if any such marks are injured, destroyed or removed, or require repairs.

26. Whenever a Magistrate of the first or second class becomes aware that any boundary-mark erected under this Act within the local limits of his jurisdiction has been injured, destroyed or removed, or requires repairs, such Magistrate may cause such boundary-mark to be re-erected, restored or repaired, and may recover any expenses incurred in respect of such re-erection, restoration or repair from the owner or occupier who is bound under section twenty-five to preserve such boundary-mark.

27. It shall be the duty of every village-headman and thoogyee—

(a) to prevent the destruction, injury or alteration of any boundary-mark within the local limits of his jurisdiction;

(b) whenever he becomes aware that any such boundary-mark has been destroyed, injured or altered, to report immediately to the officer in charge of the nearest Police-station or to the nearest Magistrate such destruction, injury or alteration.

CHAPTER III.

SURVEY.

28. When any officer is appointed by the Government to make a survey of any land, the Chief Commissioner may invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation-officers by sections four to nine (both inclusive), and also with power to cause any boundary or other marks to be erected by the owners or occupiers of any land, or to erect such marks and to charge the cost of such erection to such owners or occupiers.

CHAPTER IV.

MISCELLANEOUS.

29. If any owner or occupier of any land, or any other person, being ordered in accordance with this Act to perform any act, fails to perform such act within a reasonable time, the officer who gave the order may, after giving notice

to such owner, occupier or other person of his intention so to do, cause the act to be performed; and the expenses incurred in such performance shall be payable by such owner, occupier or other person.

30. Whoever, being legally bound to comply with any lawful order under this Act, or with the requisition contained in any special notice served upon him under this Act, refuses or neglects to comply therewith, shall be punished with fine which may extend to fifty rupees.

31. Every amount due under the provisions of this Act may be recovered as if the same were an arrear of land-revenue.

32. The Chief Commissioner may, from time to time, make rules consistent with this Act—

for the collection and record of any information in respect of any land;

prescribing and limiting the powers and duties of officers conducting proceedings under this Act;

regulating the delegation by such officers to subordinate officers of the powers and duties conferred and imposed on them respectively by this Act or the rules made hereunder;

for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act;

for the publication, issue and service of all notices, whether general or special, to be published, issued or served under this Act; and

for carrying out generally the purposes of this Act.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

33. All surveys made, and all boundary-lines and marks fixed for survey or revenue purposes, at the time of the passing of this Act shall be, and are hereby declared to be, of the same effect as if made and fixed under this Act; and this Act shall apply to them as fully as to surveys made and boundary-lines and marks fixed hereunder.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill has been prepared, at the instance of the Chief Commissioner of British Burma, with a view to facilitating the operations of the survey which has been undertaken by the Government in connection with the revenue-settlement of that province.

2. Sections 3 to 10 give the powers required for the demarcation of boundaries. They empower the Demarcation-officer to enter upon the land and to summon those interested in the demarcation to point out the boundaries, aid him in setting up boundary-marks and afford such other assistance as may be required.

They further empower him to require a boundary-line to be cleared of jungle, fences or crops, when this is necessary for the purpose of demarcating it; but where any loss is caused by such clearance, compensation will be paid.

3. It is believed that the cases in which any dispute will arise regarding a boundary will be rare. Where any such dispute does arise, the Demarcation-officer will, after a summary enquiry, lay down the boundary provisionally, the final determination of the matter being reserved for a later stage of the proceedings.

4. The Demarcation-officer is, lastly, empowered to erect such boundary-marks as he thinks fit, and charge the cost of erecting them to the persons interested. Where the boundary is undisputed, those marks would usually be of a substantial and permanent nature. On the other hand, where there is a dispute, the marks erected at this stage would be such as would be merely sufficient to fix the line pending the determination of the dispute.

5. On the completion of the demarcation the Demarcation-officer will submit a report of his proceedings, including such maps as he has prepared, to the Boundary-officer. The Boundary-officer will be an officer qualified to exercise regular judicial functions, and it will be his duty to try out and decide as a Court of first instance all disputes as to boundaries and all objections taken to the proceedings of the Demarcation-officer. From his decisions an appeal will lie to the Commissioner of the division, and in certain cases a further appeal to the Judicial Commissioner.

Where there is no dispute or objection, a formal order will be passed by the Boundary-officer confirming the demarcation made by the Demarcation-officer. Where there is a dispute or objection, the case will stand over until such dispute or objection has been finally disposed of.

6. When the boundary has been finally settled, the Boundary-officer will, if permanent boundary-marks have not already been erected along it, cause such marks to be erected, charging the cost to those interested, and will then issue a notice placing all boundary-marks, whether erected by his order or by order of the Demarcation-officer, under the charge of the landholders, who will thenceforward be responsible for their protection.

7. As it is understood that the professional surveyors engaged in the Cadastral Survey will, in order properly to discharge their duties, need certain of the powers conferred by the Bill on Demarcation-officers, the Chief Commissioner is, by section 28, empowered to invest with those powers any officer appointed by the Government to make a survey of any land.

8. The only other point which appears to call for notice in connection with the operations to be undertaken under the Bill is, that, by section 32, the Chief Commissioner is empowered to make rules for (among other matters) the collection and record of such information as it is ordinarily the practice to collect in connection with a survey or settlement.

9. The concluding section of the Bill, which provides for the validation of past proceedings, has been taken from a draft submitted by the Chief Commissioner. The Chief Commissioner has been addressed regarding it, and his reply will be submitted to the Select Committee to which it is proposed to refer the Bill; in the meantime the details cannot be considered as finally settled.

RIVERS THOMPSON.

The 9th January, 1880.

D. FITZPATRICK,
*Secy. to the Govt. of India,
Legislative Department.*

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd January, 1880 :—

No. 2 of 1880.

A Bill to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient to empower the Governor of Bombay in Council to fix and, from time to time, to alter the local limits of the ordinary jurisdiction of the Subordinate Judges appointed under the Bombay Civil Courts Act, 1869; It is hereby enacted as follows :—

Preamble.

Short title.

Commencement.

Insertion of a new section after section 22 of the Bombay Civil Courts Act.

Power to fix local limits of jurisdiction of Subordinate Judges.

of the Subordinate Judges.”

1. This Act may be called “The Bombay Civil Courts Act, 1880;”

and it shall come into force at once.

2. In the said Act, after section 22, the following section shall be inserted :—

“ 22 A. The Governor of Bombay in Council may, by notification in the official Gazette, fix, and, by a like notification, from time to time alter, the local limits of the ordinary jurisdiction

3. All orders issued by the Governor of Bombay in Council previous to the passing of this Act, fixing or altering the local limits of the jurisdiction of a Subordinate Judge, shall be deemed to have been issued in accordance with law.

STATEMENT OF OBJECTS AND REASONS.

THE Government of Bombay has lately represented that the repeal of section 30 of the Bombay Civil Courts Act, 1869, by the Repealing Act, 1876, has deprived that Government of a power it formerly possessed under that section of from time to time altering the limits of the local jurisdiction of the Subordinate Judges. It seems to the Government of India that the section in question rather assumed the existence of such a power than conferred it; but, as it is quite clear that the Local Government should possess such a power, the present Bill has been prepared to confer it. It merely adds to the Bombay Civil Courts Act, 1869, a section conferring power on the Governor of Bombay in Council to fix and alter the local limits of the ordinary jurisdiction of the Subordinate Judges, and validates such orders as may have already been issued fixing or altering such limits.

WHITLEY STOKES.

The 3rd January, 1880.

D. FITZPATRICK,

*Secy. to the Govt. of India,
Legislative Dept.*



SUPPLEMENT TO The Gazette of India.

No. 4. } CALCUTTA, SATURDAY, JANUARY 24, 1880.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

REPORT OF THE INDIAN LAW COMMISSION, 1879.

COMMISSION.

NOTIFICATIONS.

Fort William, the 11th February, 1879.

No. 6.—WHEREAS it is considered expedient that a Commission should

The Negotiable Instruments Bill.
The Transfer of Property Bill.
The Alluvion Bill.
The Master and Servants Bill.
The Easements Bill.
The Trusts Bill.

issue to enquire into and consider the provisions of the Bills marginally noted and to report thereon, and to make such suggestions as to the codification of the Substantive Law of British India as

may seem desirable, the Governor General in Council doth hereby authorize and appoint the Hon'ble Whitley Stokes, C.S.I., the Hon'ble Charles Turner, C.I.E., and the Hon'ble Raymond West to be Commissioners for the purposes aforesaid, and, on or before the first day of November, 1879, to report to the Governor General in Council, under their hands and seals, their opinion on the several points herein submitted for their consideration.

D. FITZPATRICK,
Secretary to the Govt. of India.

Simla, the 9th October, 1879.

No. 22.—WITH reference to the Notification of this Department, No. 6, dated 11th February, 1879, it is hereby notified that the Governor General in Council has been pleased to extend the time therein prescribed for the submission of the Report of the Law Commission to the 1st December, 1879.

D. FITZPATRICK,
Secretary to the Govt. of India.

REPORT.

WE, the Commissioners appointed to enquire into and consider the Bills

The Negotiable Instruments Bill.
The Transfer of Property Bill.
The Alluvion Bill.
The Master and Servants Bill.
The Easements Bill.
The Trusts Bill.

marginally noted and to report thereon, and to make such suggestions as to the codification of the Substantive Law of British India as may seem desirable, have now the honour to report to the

Governor General in Council our opinion as follows :

"the question of giving a Civil Code to India was no longer an open one." The only question, one of great practical difficulty, has been as to "the best machinery for carrying on Indian codification." In what precise sense "code" and "codification" have been used, and whether they have always been used in the same sense, is not perhaps quite certain; but for practical purposes the words may be taken, we apprehend, as referring to the systematic legislation resulting in such works as the Succession Act, the Penal Code, and the Codes of Civil and Criminal Procedure. A Code as applied to the laws just named means an orderly and systematic arrangement of the rules relating to some well-marked department of the field of jural rights and duties. In its larger sense of a general assemblage of all the laws of a community no attempt has as yet been made in this country to satisfy the conception of a Code. The time for its realization has manifestly not arrived. The rapid changes going on in social relations make it difficult to appreciate the exact extent to which laws of even a limited scope have furthered or retarded progress. The different principles involved in them have not been so wrought out to their final consequences that their ultimate consistency or inconsistency and their relative value can be pronounced on with absolute confidence. When the effects of the special laws have been ascertained by their persistence under varying circumstances, the causes will become apparent by comparison, and the general principles will be established, on the suitability of which to the people and their circumstances it will then be safe to proceed in the work of final consolidation and arrangement. In the meantime, codification in the less ambitious sense may properly proceed in meeting exigencies which daily experience brings to light along with the materials out of which the appropriate fabric may in each case be formed.

2. This, as we understand it, was the general idea of legislation which the Government of India intended to insist on in its letter No. 34, dated 10th May, 1877. After pointing out the positive gaps in the system which must needs be filled up, that letter says that the "task of arranging scientifically the various chapters of the Civil Code thus produced would then remain."

It has been objected that this plan of ultimate scientific arrangement "seems to mix up two radically different ways of looking at law," namely, that which may be called the historical, in that it simply gathers up in orderly synthesis the results of ascertained development, and the abstract, or as it has been called the anti-historical, method, which, taking its stand on the "permanent elements of society and human nature," works out from these "an orderly exposition of fundamental principles," "followed by a statement of all their leading practical applications." We have to confess that we are unable to perceive the inconsistency complained of, or to appreciate the force of the argument adduced in support of the recommendation that, while particular sections of a complete and systematic body of civil law are proceeded with, the notion of their eventual combination in due co-ordination as parts of a single and general Code ought to be abandoned.

3. Although it is necessary, in the circumstances under which Indian legislation is carried on, to deal with the several branches of the law by distinct Acts, yet the ultimate design of forming these Acts into a general Code ought never, in our opinion, to be lost sight of. Every Statute, if it is to be self-consistent and duly proportioned, must be framed with reference to some central group of ideas which dominate the whole work. In constructing a system of laws the same principle should prevail. Although the rule of construing by reference to each other all laws which relate to the same matter does not extend to Statutes relating to different subjects, yet it is obvious that the same principles may be involved in Acts which bear on very different departments of civil rights and duties. The impressions received from a study and application of one branch of the law cannot be cast off in expounding and applying another; nor is it possible that really just and philosophical conceptions of law as an organic structure should gain possession of the minds of the community, or even of the legal profession, unless the minor generalizations embodied in particular laws centre in higher generalizations drawn from the elementary truths of human nature and experience. Unless such a co-ordinating influence is allowed to operate, the development of the law, and the social growth of the community so far as it is affected by the law, must proceed irregularly and disproportionately. In one department a particular set of ideas, which lend themselves readily to the purpose, will obtain an expansion and a

predominance which are at the same time gained in another by a different set of ideas. In the course of time and the complications of human affairs the two come into collision. One must give way, and yet neither can do so without litigation, waste of energy, and personal suffering. Nothing less, perhaps, than an infallible prescience of events, together with a power and precision of language not yet vouchsafed to man, would enable a legislature to construct a system of laws involving in all its ramifications no inconsistency or want of adaptation to its intended purposes; but that affords no reason why the inevitable shortcomings should be aggravated by inattention. If a Code cannot be thrown off, as we know it cannot, by one effort of a wise and comprehensive intellect, the alternative system should be brought as nearly as possible to such a production by being animated throughout with a uniform spirit and logical method, securing, so far as may be, an essential harmony amid multitudinous details.

4. It is true that when legislation proceeds by special laws, more complete and minute attention is paid to the detailed provisions called for by the particular circumstances dealt with. But in the practical application of such laws it often becomes evident through the logical development of one set of rules that it has proceeded upon an underlying conception inconsistent with the radical idea or group of ideas involved in another special law. As the relations, then, which have revealed the latent antinomy are likely to arise again and again, it becomes necessary to subjugate the one principle to the other either by formal legislation or by a forced method of interpretation, with the injurious consequences to which we have adverted. In the case of a Code such a result can hardly arise. The leading ideas of legal relation govern the whole, and the development of each part is worked out harmoniously on the same general basis of rights and duties, however they in detail may be modified by the particular kind of activity that has to be enforced or controlled, or the kind of physical objects to which they are directed. Such is the consummation to which legislation pursued in a philosophical spirit must necessarily tend; but in India we have not at hand such materials as those out of which the Roman Code and the modern Codes of Europe were formed. The responses of a long succession of jurists, the commentaries of the legists extending over centuries, are wanting. Society itself, profoundly altered in external conditions, and subjected to the operation of conflicting currents of thought, is in a state of flux, the result of which may differ widely from the course of evolution of modern institutions in Europe from their germs in the dark ages. We must provide not only for permanent needs but for pressing exigencies of the passing time; yet, in proportion as great changes are unsuitable, we ought, so far as we can, to introduce amongst the materials of the future some constant and stable elements, the virtue of which has been proved by the test of time and of manifold experiment; and which it may reasonably be expected will give a tone and character to the whole system in which they are incorporated. Englishmen, indeed, brought up in the midst of influences which give to them so marked and peculiar a political character, will move spontaneously along lines in legislation, as in other fields of action, determined for them in a great measure by their own history and their law. Their general tendency will be pretty uniform; but this should not exclude the careful analysis of all that the past and the present of English law and English ideas offer for our adoption, the conscious selection from the mass of those principles which promise to be most strong, fruitful and beneficent, and the persistent endeavour to give them recognition and a governing influence throughout the fragmentary legislation to which for some time and for some purposes we are confined. The separate laws, being thus controlled, will be in the main consistent and capable at the proper time, without any harsh disturbance of interests, and almost without a perceptible break of continuity, of uniting into a single and well-compacted general Code.

5. These principles, of the highest importance yet too obvious almost for statement but that they have been called in question by an eminent authority, are, as we think, misrepresented, or at least not correctly presented, by the comparison drawn between legislation and house-building. No one, we suppose, would be so foolish, except in a simile, as to say "I will first build the rooms I want and then devise the ground-plan of the house." What a sensible

man, having a reasonable anticipation of his future fortune and necessities with limited present means, would do would be to build room after room as he could afford it according to a plan laid down from the first, but not so immutably fixed as to admit of no adaptation to circumstances. This is the analogy, if any, which we think ought to be drawn; and if, coming closer to the matter in hand, we could suppose the English law to have been fostered and controlled in its earlier stages by a wide and clear apprehension of general principles, it is impossible to doubt that it would have conferred through many generations greater blessings, at a much less cost, than in fact it has done to the people amongst whom it grew up. The Roman law, being in theory a *jus gentium*, freed so far as its constructors could free it from the narrowing peculiarities of a particular people, has been found more rich in general principles covering a variety of circumstances than the insular product of our own history and character. From the English law, then, we must not take at random, but choose such materials and such models for the structure we have to raise in India as will fit appropriately into a design, however remote in its accomplishment, congruous and symmetrical in the relation of its parts, and adapted, as far as human foresight extends, to the place, to the people, and to their hoped-for share in the general progress of civilized men.

6. We would not have it supposed that in thus vindicating the beneficial effect, and the necessity even, of a constant attention to uniform and expansive general principles in legislation, we in any way underrate the importance of the historical and of the practical elements of the work. The growth of law is always going on. It is the upshot of a contention ever renewed of rival interests and conflicting tendencies of thought. It thus reflects the material and moral growth of the nation. The historical element of existing law as disclosed in actual usage and the decisions of the Courts as well as in special legislation must never, therefore, be disregarded. But by the aid of comparative jurisprudence we may arrive at such clear conceptions of the life, growth and death of legal ideas in the several stages of social and moral progress that we can with a great degree of probability forecast what is already, and will more certainly be, felt as an incumbrance, and remove it. We may determine, at least approximately, what will fit into the general sphere of national thought of which the legal region is but a segment, and introduce it from another system in which it has already been submitted to experiment. We may labour with a fuller consciousness of the general ends to be pursued so as to work parallel to the legislation of the most advanced and prosperous countries. It is of the nature of the human mind and character to be deeply impressed by an orderly development of consequences from received principles, even when that development takes a course different from what unaided instinct and the first rude necessities of practice would have suggested. Thus, by timely legislation, taking just account of existing legal conditions as an outgrowth of the past and a necessary basis of the future, we may save the community many painful experiences, put it into possession of the fruits of others' labours and pains, and hasten by whole generations its entry into the great procession of the nations towards a uniformity of laws founded on uniformity in the conception of right and of the essential elements of human welfare.

7. In attempting to carry out such a scheme it is, perhaps, more difficult to determine, at any given moment, exactly what legal needs exist to be satisfied than to devise the laws which for the time will satisfy them. It is still harder to determine in what precise form and measure an infusion from a foreign system is capable of forming a vital adhesion to the existing body so as to supply an obvious deficiency, or even give a stimulus to its natural growth. The legislature, then, should be in close and appreciative communication with the felt necessities and the active thought of the society for which it is to work. It must be quick to discern permanent tendencies amongst the temporary fluctuations of popular impulse. Without binding itself in the trammels of what has grown effect, it must recognize the existing state of facts as a main element of the structure to be raised, and mould them into a symmetrical fabric with the more universal element drawn from general jurisprudence. Hence a necessity not only for an acquaintance with the contents and the working of past laws, but for a thorough insight into the actual circumstances of the community both in their mutual relation as physical facts and in the way

they are conceived by the mind of the people, in the wishes and aims thus generated, and in the moral preparation made by them for the reception of some new development or some new combination of principles. When we see the untiring care and precision with which the grounds of chemical or mechanical science are investigated, and the observations and experiments verified again and again before a fact is admitted finally as the ground-work of a law, a sense of surprise is awakened at the coarse and slovenly inductions, or the purely *à priori* assumptions, on which the spirit of system is too often content to build in the science of human action. The true use of a system is to co-ordinate the facts, not to neglect or in an arbitrary way to admit or to exclude them. The true purpose of a Code is to further the moral and material progress of a people by fostering a general harmony of thought and action, and by employing all the means afforded by existing conditions for ensuring a future amelioration. There must, then, be exact and sympathetic observation leading to true insight; there must be development; there must also be adoption and appropriation; but all without waste of force, and without neglect of any element which by its unacknowledged presence will set all calculations at fault.

8. In India itself a different set of objections has been raised to any attempt at scientific legislation. Collect, it is said, and group the existing facts of custom and practice, and leave the future wholly to natural development. The answer is that, essential as an exact ascertainment of the facts of the society and of their true relations is to the legislator, a sound theory is just as essential. It is a sound and comprehensive theory which in legal as in physical science alone gives life to the materials which it embraces. Such a theory in any department of human thought can be formed only by careful and continued reflexion on a copious store both of facts and of subsidiary theories by which the facts are viewed and classed according to various methods of arrangement. It implies the exercise of intelligence unbiassed by any predilection except for the truth, a readiness to accept all the teachings of experience, where it points out what is immediately expedient as well as what is permanently necessary. The contempt for theory which is felt by some men of considerable observing powers is, in truth, a contempt for all that makes their observations valuable. They are themselves the slaves, not unfrequently, of partial theories qualified by mere inconsistencies, which can be reconciled only by reference to some higher point of union at which a wider generalization stands ready to reconcile seemingly discordant facts. A mere empirical acquaintance with affairs may become a snare in the presence of new combinations; and in meeting the foreseen difficulties of the future, it is unsafe to yield to the suggestions of unsystematic thought, or of no thought at all, which are dear to indolence, dogmatism and mental impatience.

9. Objections of the kind that we have just been considering have in the last few years been urged so strongly, and even vehemently, in this country against all comprehensive legislation whatever, that we may be pardoned for examining the arguments that have been employed by reference in somewhat more detail to the teachings of history and of social science. It would seem as though a reaction of lassitude had quenched the energies of many distinguished administrators when we find them shrinking from projects which a few years ago they would have heartily welcomed. Legislation generally has for the time become distasteful, scientific legislation a kind of bugbear. It seems to be thought that the effort of grasping the new necessities can be avoided by a simple folding of the hands: it is overlooked that the times of great administrative progress in India have been the times also of great legislative activity. Society, it is in substance asserted, can provide for its jural needs without any intervention of the legislature; and such intervention, being unnecessary, will almost certainly be mischievous. That there is much that is plausible in these arguments cannot be denied; but we believe they have no solid foundation and would hardly have been thought of but for their accordant with the tendency which for the moment is dominant in the minds of their authors. We think that active legislation is essential to the political health of a growing society; that it meets needs which cannot otherwise be satisfied, and that the more systematic it is, provided the system itself is a moderately good one, the more beneficial it will be in its operation and influence.

10. A sense of the necessity for fixed laws is one of the earliest sentiments of every settled community. It rests on the constraining influence of habit, a

centripetal instinct and the perception of utility according to the dominant notions of the general good. The physical circumstances and the prevailing beliefs of a people form an environment or nidus in which the common tendencies of human nature are developed in a tribal or national form which then reacts strongly upon the elements from which it sprung. Thus a people's law composed of a universal and an individual element becomes as characteristic as its language. It presents itself in concrete forms the suitability of which is immediately apprehended by the popular consciousness, or which are rather determined by it in the very process of germination. By time and use what was vague and unorganized becomes in a measure fixed and symmetrical. The yet unrecognized working is felt of the instinct of order and system; a new or unfixed rule of convenience is moulded to a form consistent with the general spirit of the received custom by the influence of association and a sense of congruity; while the lapse of years surrounds with a sacred halo those earlier laws which are linked with the dim and magnified traditions of the past.

11. As a community advances, the extension of its territory, the separation of employments, the multiplied forms of individual development, enfeeble the common consciousness of legal right which made its earlier law. In the subordinate aggregations which form towns and villages, as in those divisions of the people which compose different classes, a unity of feeling springing from local neighbourhood, similar pursuits or identity of moral tendency still gives birth from a contact with new circumstances to usages whose fitness is recognized, and causes their reception as rules of custom. In the wider sphere of general law the requisite developments have to be effected by scientific evolution from the earlier established principles insensibly modified by the medium in which Courts and jurists work,* or by positive legislation on the part of the sovereign authority. The capacity for a spontaneous development of law in the people wanes as the facts to be regulated grow more complex. A sense of comparative imbecility in the presence of the more definite and palpable embodiment of the public force deprives its law-creative faculty of liveliness and vigour.† The cloudy suggestions which come from this source encounter as to all the great interests of society the clear-cut provisions of a written law. New ideas grow up, new discoveries are made, giving rise to new institutions, fashions and employments. An individualism and independence of action have meanwhile become possible and prevalent which submit to no control less powerful than that of the whole State. It is then the legislature alone which can pronounce the doom of effete laws and perform a work of reconstruction answering to the spirit and the needs of each successive generation.

12. Now this, which is true of communities in general, is in a peculiar degree true of the great community of British India. The apposition at almost every conceivable point of all that is oldest with all that is newest in civilization has produced groupings of fact and jural necessities with which it was impossible that the indigenous law should be able to cope. The legal consciousness of a people bound in the chains of caste and tradition could not develop itself concurrently with the new physical and moral changes brought in by the masterful foreigner. Those only who were familiar with the actual working of the new order of things, though in a different region, could hope to frame laws appropriate to the new world they were creating. The introduction of the English law, or of legislation founded on the English law, into British India may be compared with the general adoption in Europe in the Middle Ages, and especially in Germany, of the Roman law, though the rate of change is infinitely faster. In the slowly-won victory of the enlightened classes over the dull persistence of their ignorant countrymen, the diffusion of new ideas and the creation of new wants and new sensibilities produced in the jural sphere a craving for regulations which could not be built up upon the rude framework of Teutonic tradition. The official depositories and mouth-pieces of custom found no formulas quite adapted to the new exigencies, while the Civil law presented in a consistent

* See Maine's Ancient Law, Ch. II, pp. 31-33 (third edition).

† The establishment of the British power in India has been followed by a decline of the village-communities as independent centres of political life, which is sometimes regretted but was plainly inevitable. In providing for the growth of society as a whole, and favouring individual enterprise, the Government had to limit the authority once exercised by the small communities, and once the necessary stay of their corporate existence, but become in the presence of a higher organization a means only of isolation and obstruction. Restricted in its power to enforce rules by the predominating influence of the ubiquitous "sarkār," the village-assembly soon lost the capacity to invent them. It ceased to be an effective organ alike of the public strength and of the public will. This atrophy in its turn necessitated an increased energy on the part of the Government, and centralized legislation took the place of customary law, as it alone could provide for the extended relations springing from a freer and wider-ranging activity.

system plain rules for daily needs, which yet conformed to general principles of the widest application. There was no need to find out through costly failures the way to sound conclusions. The requisite experiment had been made, and the result so expressed as to produce instant conviction. Thus, the Roman law took its place beside the Customary law, and in the course of generations went far to supersede it. Anomalies in time grew up in this system of double origin. There were inconsistencies of judicial decision and a wilderness of contradictory literature. The Code of Frederick the Great first attempted a thorough-going remedy. The Austrian Code followed; and then the Code Napoléon collecting the opinions of the great legists of France became a model, even in its errors and defects, for half the continent of Europe.

13. We may gather from this retrospect that the influence of English government, of an English mercantile class, of English literature, and acquaintance with English institutions, made the adoption of the English law in its leading principles an inevitable necessity for modern India. The new conditions of social existence raised questions to which the indigenous law gave no answer, or worse than none. Recourse was instinctively had to the law which furnished the requisite solutions, and its decisions once admitted in a few cases exacted conformity throughout a wide area to the principles on which they rested in order to prevent obvious and glaring contradictions. The English race could effectively construct—could even imitate—no civilization but the English; and of this the English law is a vital part. Step by step it made its way by occasional direct legislation, by methods of exposition and by the judgments of the Courts in a fragmentary way into every corner of the country. Mufassal munsifs, speaking no language but their vernacular, were told at last by a Chief Justice through their superiors that they were bound to dispose of the litigation of Maráthas according to the principles of English law, which the Courts at Westminster would bring to bear on the same cases.* This, which might seem a *reductio ad absurdum* of the assumptions on which the highest Courts of India had for years proceeded, was after all not a mere logical disproof of the premises from which it was inferred. It was but a somewhat premature anticipation of the result to which things were inevitably tending. The earlier and more obvious works of codification—the Criminal Codes and the Code of Civil Procedure—had then already been produced; but it was now demonstrated that a more searching and laborious task must be undertaken. In the new difficulties which were daily arising, the Native judges, cut off by an elaborate education from sympathetic accord with the thought of their own people, ill-read in their own legal literature and thoroughly conscious of the tests by which their abilities would be appraised, would resort for guidance to the English text-books—to them and to judgments of the High Courts steeped thoroughly in English law, as might be expected from judges long familiar with the lore of the reports. By the Appellate judges the decrees of the lower Courts would be approved or condemned, an improved reading of the English law only being substituted for a defective one, and the chain of precedent at every step growing stronger. A system having won acceptance, no individual judge, however enlightened and sensible, could set bounds to its predominance. Even the terms of the English Real Property Law, drawn straight from the feudal system, have become, with all their misleading connotations, a part of the common vocabulary of the Courts.

14. From such an irregular and haphazard mixture of incongruous systems, some kind of order would in time no doubt have been evolved by the Courts. But the time might be a very long one—all the longer on account of the replenishing of the High Courts periodically by barristers sent straight from England, and therefore, however able, strangers necessarily for some time to the special tendencies of thought, and the special ways of confronting facts, proper to the Indian lawyer. Meanwhile, the people would suffer from uncertainty, and the law become a luxury for the rich or a gambling excitement for men on the brink of insolvency. The Legislature was imperatively called on to regulate the new development on a rational appreciation of the principles to be adopted or rejected, of the forms in which they should be grouped and of the proper place of each greater chapter in the general system of law. A Code, in short, had become necessary in order to prevent the endless litigation, the ruinous losses, the manifold embarrassments and the discouragements to traffic

* See 2 Bom. H. C. R. 38, per Couch, C.J.

and enterprise which would attend the slow formation of a complete body of law by the wasteful process of natural selection. The necessity has not diminished with time. On the contrary, such progress as has been made, as it has rested on an assumption of principles drawn directly or by generalization from the English system, has given to those principles a range of influence,—has so imbedded them in the living body of the Indian law—that all further growth of the jural system must in some way conform to them. The choice is between the halting and contradictory action of the Courts and of chance usages growing up amongst a miscellaneous population and the systematic action of the Legislature, taking all appreciable conditions into account and aiming constantly at reducing the law not only to substantial accordance with actual necessities, but to the most simple, consistent and intelligible form.*

15. The work, moreover, must be one of cautious discrimination as well as of organization. The marked characteristic of the English law, in spite of a much larger infusion of the Roman system than our lawyers are, or were, willing to admit, is its insularity, its shrinking from general principles, its bit-by-bit growth on the results of particular cases. This empirical process has caused our law, no doubt, to grow with our growth, to mirror our history and to fit the peculiar stamp which the national character has received from our antecedents and surroundings. Moreover, a body of decisions has been collected in the reports, greatly outnumbering even the 30,000 *responsa prudentum* which Tribonian and his colleagues compiled at the bidding of the Emperor Justinian. Treated in a really scientific spirit, these decisions should be of inestimable value to the jurist and legislator. They are so many experiments which even in their not infrequent failure are in the highest degree instructive. But it must be said that when read without the aid of wide generalizations, and without the control of dominant notions drawn from the necessary relations of organized society, they may be a clog to progress and a means of almost infinite divergence from the track along which society is destined to move in the coming generations. It needs at times a Mansfield and a Cockburn to break the shackles of precedent, to go back to first principles, and to educe from them results which shall place the law once more abreast of the novel and extended needs of a time when every day brings forth some change.

16. This law, however, so isolated, so special, so indifferent to aught but a practical grasp of the legal relations which a single society presents for discussion, we must of necessity make the basis in a great measure of the law of India. It may serve the purpose; but it is certain that the good will be mixed in a needless degree with evil unless it be used with prudence and sagacity. Those peculiarities which adapt it best to England are in some respects disqualifications in India. From amid the mass of precedents and proximate rules of the practical lawyer, the Indian legislator, if his work is to be beneficial and enduring, must seize the central and governing idea. He must compare it with the results arrived at as to the same class of relations under other systems. If he finds a general accordance between them, he may safely proceed to consider how far the special circumstances of the country and the people for whom he has to legislate admit, repel, or qualify the application of an apparently universal principle. Hindú society has its own laws of unmeasured antiquity. It has its religion closely interwoven with those laws. It has the customs which that religion consecrates and springing fresh from the nature of the people. To ignore these facts is to invite failure. It is a living body that we have to deal with, identical in some respects with others of the same species, but with its individuality and its need for individual treatment as well marked as our own national character.

* Inaction on the part of the Legislature retards but does not arrest legislation. In the absence of enactments the judge makes law declaring what is the customary law, and what rules regulate rights not governed by customary law.

Beyond his own experience the judge must look for materials to the suitor who is interested to secure a particular decision rather than the accurate ascertainment of a usage or the establishment of sound principles; who frequently lacks the means requisite to procure such proof as may be available or to retain a competent advocate. In the ascertainment of the customary law, then, the Legislature has ordinarily greater facilities than the Courts. A proposed law is published. Information can be obtained from the best sources and tested by the experience of individual members, who bring to the discussion of the proposed law experience acquired in the different districts of the empire or province. It may happen, but it must happen less frequently than is possible with the imperfect machinery of Courts of justice, that customary law is rejected where it should be recognized, or recognized where proof is inadequate.

In legislating on subjects not governed by customary law, the Legislature has again this advantage over the Courts, that before it arrives at a decision, its proposals are published, and criticism from all parts of the empire invited and weighed.

17. It is true that in the sphere of the criminal law and of procedure successful steps have been taken in legislation, governed to a certain extent by English analogies. But, if scrutinized, these experiments prove rather the necessity of recasting the materials of the English law than the expediency of adopting them undigested, unassayed and unmodified. The grounds of penal legislation are much the same everywhere. Murder, theft, arson, forgery, are essentially identical wherever a possibility of committing them exists. No serious difficulty is found in drawing up parallel tables of equivalent crimes for the purposes of extradition-treaties. Procedure, again, is a merely mechanical process for getting the parties to litigation and their witnesses before the Courts, for securing a fair hearing, and for giving effect to the Court's command. But when we come to the laws of property and of the family, a very different set of considerations presents itself. The dominion of man over external nature, his right over the actions of his neighbour arising from contract, may assume endlessly various forms. His personal relations as a husband, father, brother or caste-fellow are not only susceptible of infinite variation but touch his sensibilities in their tenderest points. In dealing with the substantive private law we place ourselves in the very midst of the actual life of the sentient beings who look to us for furtherance in happiness and prosperity. Every step we take is full of the peril of wounding some unknown susceptibility. The mass of people are incapable of proceeding *per saltum* to a recognition of the ultimate advantages of great changes which at the time jar on their traditional prejudices and reduce them to a state of puzzled uncertainty.

18. If, then, by means of additional laws we wish to contribute a new expansive force to Native society, we should, first of all, free ourselves from the fetters of a too exclusive devotion to our own somewhat narrow legal system. The work to be done calls for a wider survey, for a comparison of systems and a truly philosophical induction. The late Mr. Justice Willes insisted strongly on the advantages of such a method, even for English legislation. He argues for "a really well-considered Code . . . embodying improvements suggested by a comparison of our own laws with those of other countries," which, as he truly says, "can hardly all be mistaken." When we see how one proposition after another insisted on by the great continental jurists has to force its way after years or generations of controversy into the body of English jurisprudence, we cannot but be struck with the narrowing effect of an almost purely deductive method confining professional genius to a range in no way commensurate with human nature, and obstinately refusing admission to any legal principle which cannot be proved needless by the possibility of referring it directly to something already admitted. When one sees the vehemence with which the continental jurists themselves contest some important points, a further lesson is learned of the limitation even of highly cultivated faculties. What fits the whole scope of expanding human capacities can be determined only by the profound insight of genius; but ordinary intelligence can pronounce with certainty on the insufficiency or unfitness of many rules for any people or any system except those in whose midst they have grown up.

19. How far, and in what form, the particular rules accepted in England are suited to this country and community is thus in every case a question which must be met on grounds, not of mere prejudice or senseless imitation, but according to a just analysis of what is proposed and what are the conditions under which it is to operate. To answer the question aright, something more than mere juristic science must be brought to bear on it. There must be a competent knowledge of the existing written and unwritten law, intimacy with Native habits and modes of thought, a set of associations through which the mind of the inquirer is spontaneously affected with an emotion, or the reflex of an emotion, akin to that which will be on any occasion felt by the ordinary Mussulmán or Hindú. A large degree of this responsive faculty is no doubt sometimes acquired by men of sympathetic temperament in the work of the Courts, but in general it exacts early and familiar relations between the Native and his would-be benefactor; it requires an intercourse kept up in varying positions through several years to enable the European to go outside himself and see how matters look from the purely Native point of view. It may not be right or safe to accept the view thus presented as conclusive; but it cannot be right simply to ignore it. Proceeding on a method of disdain some of our measures may by

chance succeed; many of them must necessarily fail. We work in the dark, and our legislation, being founded on no appreciative insight into the moral nature of the Natives, can never become in its entirety a portion of their intellectual being. "Government," as Burke says, "is a practical thing made for the happiness of mankind, not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians;" while the true end of legislation is "to follow, not to force, the public inclination, to give a direction, a form, a technical dress and a specific sanction to the general sense of the community." The experience of the world, the decay of superstitions, enable us now to go back with comparative intellectual freedom to really first principles. In pursuing this course, we come upon springs of thought and action common alike to Hindú, Mussulmán and Christian. At these we should pause and appropriate all they can yield to us; employ the results with frugal skill, and, having thus established the base-line and some of the principal points of our system, leave the development of its details to time, to the sure germination of sound thoughts and to the action of the Courts, continually checked in any tendency to aberration by the constraining influence of great and conspicuous landmarks.

20. The principles, then, which we attempt to introduce in our legislation, and especially in a Code, should be comparatively few, carefully chosen and thoroughly approved. They should be cast in a form as far as possible resembling that of rules already accepted, or appear as the logical outcome of already recognized doctrines.* The new law would thus link itself naturally to the law previously existing, blend with it imperceptibly, and form a basis for a new departure. It is the characteristic of sound and fruitful principles to embrace an ever-widening mass of details within their operation. Contradictory rules and reasonings are either modified or perish before them. Those principles which in themselves are consistent with the elementary facts of human nature are sure as matters progress to be recognized as the proper complement of others already accepted. Thus, from step to step a logically organized system is formed, while by a process of reaction the character of the community itself in which this process is going on is moulded insensibly to a development in which the maximum of its beneficial energy can be put forth in the manifold lines of activity which the law leaves invitingly open in every direction consistent with the common welfare.

21. The leading principles of a Code, such as we have conceived it, would be principles of human nature itself, but principles arrived at by a process of scrupulous comparison. Its propositions should be broad, simple and readily intelligible.† Their remoter consequences should be left to be traced out by judicial interpretation and the play of the popular consciousness. The induction on which they are based should be wide and accurate for the very purpose of avoiding entanglement in the details of subordinate and derivative principles. A Code thus formed will not retard or hamper progress and development: it will afford a new outline to fill up, a new platform to start from, a new impulse to systematic thought. It is conceivable that here and there its rule will constitute a barrier in some direction which otherwise the course of social evolution would have taken; but the slight obstruction thus caused will be as nothing to the positive aid afforded by a well-devised and consistent scheme of fundamental laws. Such a scheme, by the standards it sets up, by the mental standing points which it provides and imposes, contains the most certain and effectual means of its own further amelioration in the future. As the subtleties and complications of human affairs exceed the most sagacious human prevision, it will be found in time that some rules are in effect out of harmony with others. Some will correspond to the spontaneous movement of society and some will not. It may be that those which years before rested on a more specious support of sentiment and reasoning, being in truth the weaker, their inexpediency by degrees comes out. The better-founded rules, meanwhile, gain more and more on the convictions of the community; and a sense of the real incongruousness of the two having arisen, the moment has come for revision and excision. Such a process is as inevitable as human work is necessarily imperfect; but a system

* The concrete application of the law should be facilitated by the now familiar aid of illustrations of as simple a character as possible and drawn from actual cases or the incidents of every-day life.

† "Les lois ne doivent point être subtiles: elles sont faites pour des gens de médiocre entendement."—Mont. *Esprit des Loix*, XXIX, 16.

sound as a whole will meanwhile have done much to form the character and the turn of legal thought which will make reparation easy and natural without any general disturbance.

22. Due regard being had to the considerations on which we have dwelt, it must be admitted that a variety of laws under the same Government is not only an embarrassment to the Courts, but an impediment to intercourse and fruitful activity. The business of merchants, bankers and carriers, pursued under different conditions in different localities, is hampered with difficulties which check enterprise resting on nice calculations and adjustments. The public law ought to be substantially the same throughout the territories under a Government, as otherwise people may expose themselves without knowing, without having reason to know it, to ruinous penalties. When Caste-laws do not restrict intercommunion, uniformity of marriage and family-laws is as obviously desirable. The law relating to immoveable property and its incidents may well admit of considerable variations according to local circumstances. Landed estates are usually collected in one province and subject to one law; but even when this is not so, little or no practical inconvenience arises from a property in Bengal being held on a different tenure from one in Madras. Within the sphere of transactions variable at the will of those who engage in them, it is in the mutually dependent and ever-extending operations of commerce that a need of uniformity of law first becomes apparent; and thus the law of contracts, first in fragmentary sections and then in a systematic collection of general principles, claimed early recognition in the formation of the Indian Code. As society with its desires and needs settles down, in various phases of its being, to an approximately permanent scheme of existence, the tendency to assimilation which in ruder times would have extended identical customs over a wider and wider field appeals to the Government to effect the same objects by legislation. The spirit of the community at large spreads by gradual infiltration through the mass of local peculiarities and subdues them to itself. Change of dwelling-place and sale of land become more frequent; and the necessity is felt of rules for the holding of property and for all common transactions which will best express the average general convictions as to what is beneficial and convenient.

23. By opponents of scientific uniformity in legislation for India we are often reminded of the extremely different social conditions and stages of progress attained in different parts of the country. That very great differences exist is undoubted; but it is in no way conclusive of the question of systematic, as opposed to casual, law-making. Looking at the matter by the light of history, we have to admit that the contrasts in civilization amongst the several provinces of the Roman Empire were not less marked than those to be observed in British India. Yet this was not allowed to prevent the growth and application of a uniform system of legal principles. The prætorian law, in fact, gained largely by its necessary adaptation to the needs of citizens and foreigners alike, and its consequent rejection of all that was specially local and peculiar. Principles of universal application according to the standards then recognized had to be sought out, because it was felt that what was a good reason for a rule to a Roman was sometimes no reason at all to a foreigner, or even to a provincial. It was in this way that the Civil Law gained that character of generality which has given it such an ascendancy on the Continent of Europe. In India analogous conditions must lead to not wholly unlike results. The law to be introduced, or framed out of existing local materials, has always to be tried by the test of its suitability to the varying circumstances of the different provinces. What is insular or cramped either in thought or in expression is thus almost certainly eliminated. The central ideas of the English law are, in such works as the Penal Code and the Contract Act, cleared from the remnants of a lower stage of organization with which, in the English books, and in the English Courts, they are still encumbered, and presented in a simplicity and generality of expression which has re-acted very perceptibly on the ideas of lawyers in England. The more searching analysis forced by his situation on the Indian lawyer and legislator may thus in the end prove highly beneficial both to the science of law, and to its practical application.

24. Still, exceptions must undoubtedly be made in many cases in which it can be seen that what is special and local cannot be made immediately to yield

to what is general without a diminution of the people's happiness. In such cases the question occurs, "*Le mal de changer est-il toujours moins grand que le mal de souffrir ?*"* and it must receive a reasonable and considerate answer. But even the most backward districts are by degrees drawn within the general circulation of thought and activity. Their people become stamped with much the same intellectual marks as their neighbours. Transactions between them increase in frequency. After a time familiarity and habit have made a removal of anomalies welcome; and in this way a well-ordered uniformity subdues tract after tract by a perfectly natural process. It is quite possible, indeed, that, in the future, provinces which had few or no definite legal ideas of their own may become, like Gaul in ancient days, remarkable for the completeness and tenacity of their adhesion to the new system. In the meantime, the existence of necessary exceptions in particular districts is no more a reason against a systematic Code in other parts of India, than the operation in Scotland or the Channel Islands of their own laws is a reason against a scientific recension of the law of England.

25. It is not, however, necessary or desirable that a Code, taking it in even its narrower sense of an aggregate of the rules in a particular department of the law, should include chapters or separate statutes on every branch and subsection of the whole subject. As to some of these a change of circumstances, such as the discovery of an entirely new means of utilizing property, the growth or decline of population, or a rapid variation in people's conceptions and sentiments, may make it desirable to await the natural evolution of the new order of ideas. Custom itself in such cases undergoes a silent metamorphosis, which undue urgency would arrest, as it would call in alarm and prejudice to the support of established use and wont, and make reform possible only at the cost of dissatisfaction and resentment. In other cases wholly new institutions, such as railways or Government currency-notes, have to find by tentative adjustments their proper place amongst those already existing. Special and temporary legislation, and that only, is properly applicable in such instances. By degrees it is found out how far the change of facts and of ideas necessitates a permanent enlargement or modification of accepted general principles; and when this has come to pass, the time has arrived for an incorporation of the special law within the general system of the Code. In a well-ordered system a place will be ready for it.

26. A consideration of the first importance in the formation of laws is the character of the machinery by which they will be carried into effect. However well devised they may be in substance to meet the needs of the society for which they are made, yet if they involve theories and ways of regarding the facts they propose to deal with wholly foreign to the conceptions of those who are to apply them, it is inevitable that variations and errors of practice should arise which will largely detract from their success. In order that the administrator should work in the spirit of the legislator, it is necessary that the legislator should first bring himself within the sphere of thought of the administrator. He may enlarge and even transform that sphere by judicious endeavour, but it will not in general admit of sudden expansion or thaumaturgic change. Human stolidity, the force of habit, the faith in professional formulas, the disinclination to analysis of common notions—all these are factors in the problem with which the legislator has to deal. If he is bent rather on practical effect than theoretic excellence, they reconcile him to a slow march, in which his followers may accompany him, as preferable to any flight, however brilliant, in which he will be altogether alone. Thus, to make a law in India practically beneficial, account must be taken of the means of professional education,† of the constitution and relations of the several official ranks,

* *Mont. Esp. des Lois*, XXIX, 18.

† In some provinces necessarily, in others without such apparent necessity, the qualifications for admission to the profession of the law exact little either of technical or general knowledge.

In some provinces, and generally in the Mufassal, except in the cities, where there are law-professorships established by the Government in connexion with a University or Central College, technical education other than self-instruction is not available. The system of apprenticeship is unknown outside the Presidency-towns, nor there always resorted to.

The remuneration of professional assistance is, owing to the poverty of the people generally, meagre; and pleaders without private means are unable to provide themselves with text-books or reports, if they are sufficiently educated to study them. The judges can count on little assistance from the Mufassal Bar in any case that falls outside the range of their daily experience. The parties, at what is too often to them ruinous expense, are compelled to appeal from Court to Court, and eventually find themselves deprived of justice from the unskilfulness with which their cases have been launched or prosecuted in the Court of first instance. No radical improvement is to be expected in the administration of justice in India until the better education of the Mufassal Bar is secured; and having regard to the circumstances of the people, the most effective, because to the Bar the least expensive means of securing this result appears to be the extension of codified law.

of the special merits and defects of the administrative class, and the traditions in which they have been trained, as well as of the physical situation, the history and character, of those on whom the law is to operate." Abstract perfection must yield in this as in other ways to the narrowing conditions of actual practice and of work to be done by ordinary officials. This, however, is so far from affording any reason against scientific legislation adapted to eventual consolidation that it supplies an argument in favour of that course. A poor and generally ill-trained class of advocates must derive obvious advantages from the economy and uniformity of method of a well-constructed Code. Busy administrators, dealing off-hand with innumerable details, cannot afford the time, even if they have the turn of mind, when a legal question arises, for sifting a particular Act so as to make themselves by a special study masters of what it says and of the spirit in which it has been written. If, however, all the principal Acts are composed on substantially uniform principles and with reference to higher unities towards which those principles converge, much of the official's labour is saved. He becomes himself penetrated by the spirit of the Code, and naturally brings to bear on the construction of every passage a method of interpretation substantially identical with that of the Legislature itself. The consummation is thus furthered, though it may never be quite achieved, of a uniformity of administration giving full effect everywhere to uniformity of law.

27. If, in endeavouring to state the grounds and principles on which, as we think, sectional and eventually general codification should proceed in India, we have been led into undue prolixity, a reason or an excuse may be found in the existence at this time in this country of a strong current of feeling which is opposed to all systematic legislation whatever. Its influence may not improbably be felt even in England, and by some whose interest in this country entitles them to a full statement of the reasons on which we would base systematic legislation; but, without dwelling on any speculation of that kind, it is, we think, highly desirable that in India, and for Indian purposes, a notion to which indolence and arbitrariness incline us to give a too ready welcome should be met, and if possible dissipated. The success of laws depends in some degree everywhere—in India in a special degree—on the spirit in which they are received and administered: and the zeal of the great body of public functionaries will, we believe, be more heartily engaged in giving effect to a legal system when they perceive its solid groundwork and its beneficial aim. A Code framed according to the conceptions we have tried to set forth ought not to fail in either requisite. It involves no preference of conjectural anticipation to that clear apprehension of fact which is the only sure foundation of science. In the sphere of legislation, as in other spheres, true reformation is a process of evolution rather than of revolution. The life of a community, as of an individual, implies continuity and assimilation. Society is a complex aggregate, swayed by inherited tendencies, beliefs and sentiments with respect to family-relations, to neighbourly rights and duties, to liberty and property, which no purely speculative plan of legislation would fit. All this is true and of unspeakable importance; but the same study and experience which establish its truth reveal also the capacity for progress which every community presents, the immense efficiency of co-ordinated action, the power to control, to stimulate and to mould a national character, of a reasonable, just and consistent system of laws.

28. It is not necessary or desirable that the principles of human action, and of men's relations, as they appear separately on ultimate analysis, should be the ground of a classification of laws or of the subjects for legislation. If we may resume the comparison to a house, it is plain that in constructing one as well as another, the builder must have regard to the same principles as to strength and applicability of materials, to the same mechanical laws and the same rudiments of design. But a classification of houses—still more of rooms—according to the predominance in them of one or the other of these elements of their construction would be of no service for the ordinary uses of life. For such purposes they are classed according to a set of more obvious external characteristics—their fitness for particular purposes—not because the others are less important, but because habit has taught us to expect a general conformity to a reasonable standard which on occasion we test in the proper way. The classification according to position, shape and fitness brings the objects into connexion

along a more extended line of useful and practical ideas than one according to more abstruse resemblances. So in arranging laws, it is not so much the underlying principles of their construction which should determine their classification, as the readiness with which particular series of rules hang together, or group themselves about some central doctrine, by a spontaneous association of ideas. When we use such words as "marriage," "partnership," "insurance," each of them calls up a train of thought more closely connected in fact, than the artificial combination of the infinitely various concrete instances embraced under such a word as "contract" or as "property." The use of method in legislation, as in arranging the contents of an existing aggregate of laws, is to aid the true conception and the recollection of the individual rules, and to bring out most forcibly their mutual relations in those respects in which they bear on actual practice. A grouping thus determined has somewhat the same relation to a purely abstract system, such as Austin favoured, as the natural system in botany to the Linnæan system. It takes account of the whole being and attributes of the objects to be dealt with, instead of properties of them, determinable indeed, but not by their determination bringing sufficiently together those which for the observer have most significance, and thus combining in each species the objects which in their totality are for him most really and closely related.

29. Another observation of some importance with reference to the arrangement of laws is that the chronological order of their emergence by no means coincides with that which they would occupy either according to the abstract scheme of a speculative jurist, or their co-ordination in a complete system. The practical needs of a society, arising from its moral and physical circumstances, may give rise to an institution at a comparatively early stage of its progress, the logical reasons for which are not disengaged for ages afterwards; while simple and obvious rules spring up in the latest as in the earliest stage to meet by slight adjustment some slight change. Thus Austin's analysis of sovereignty and law followed, not preceded, the practical outgrowth of innumerable institutions logically referable to the notions thus brought into distinctness; and in the work of practical legislation it would not be possible either to await a final resolution of aggregate right into its irreducible elements, or to make those elements, when ascertained, the basis in their crude individuality of separate jural structures. The facts with which the law has to deal are essentially complex. It must yield, therefore, to the cross-divisions of human affairs, build on organic combinations of primary ideas, and accept great leading principles rather as a permeating influence than as a sole or chief ground of discrimination from each other of the great chapters of a Code.

30. The inference from such considerations as well as from the general practice of mankind is, that neither the purely abstract principles involved in laws, nor their historical relations, however necessary a study of these may be for their full comprehension, and for their scientific reconstruction, afford a safe or convenient basis for their arrangement. The great necessary relations in society which the laws do not create, but only regulate, are those which, combining the largest collections of naturally connected doctrines, suggest the best working plan. The State, moreover, does not and cannot as such come forward in its law-making capacity until society is already formed and tolerably well advanced in a rudimentary civilization. Its very existence as a political power presupposes a community already by common consent submitting in many things to fixed laws. What the sovereign-power, wherever it resides, has under these circumstances to do is, first, to provide for its own continued existence, and next for that of the society, by checking the disruptive force of private violence. The acquisition and devolution of property must already have become subject to customary rules before law in the strictest sense becomes possible. The governing ideas are modified and defined rather than created by legislation. The family in some form must have been coeval with, if not prior to, distinct personal ownership. In its essence it involves a set of relations but very partially amenable to external coercive regulation, but its continuity of existence brings it into connexions with property which at first are recognized and then regulated.

31. In all these cases the State has to deal with relations conforming to regular types of a permanent or at least durable existence, and susceptible of

strict regulation. In the great field of personal obligations the power of legislation as bearing on the essentials is comparatively limited. The natural instinct of freedom asserts itself in making bargains, and there is no interest of the community in general to be served by checking its indulgence. The law here is concerned rather in facilitating than in controlling the action of individuals. But if one fails in the duty he has undertaken to another, the State intervenes, and by force compels him to perform this duty, as it would one directly imposed in the public interest, or else to render an equivalent. The intervention must, however, be called for. No interest of the community is so directly touched that the State should voluntarily step in to repress a breach of contract. Nor is it concerned, without invitation, to enforce redress for the large class of wrongs, ranging from inappreciably petty injuries at one end of the scale up to offences at the other. The public is but remotely interested in the contentions that arise from this source, in which, too, as in cases of contract, the right or wrong is seldom all on one side. The general characteristic of both classes of obligations is that they can be satisfied by a money-payment,—liquidated or unliquidated damages,—if not, then by some stipulated or compensatory act enforceable in a like way, from whichever source the obligation has sprung. Here the connecting link which associates cases otherwise very diverse is the substantial identity of the remedies, as in family-law it is the identity of physical and moral relations, and in the law of property the identical nature of the material objects of men's rights and duties.

32. The law of personal capacity lies rather collateral to, than in any relation of logical antecedence or sequence to, the other great branches of the law. We may regard the impersonated State as either addressing its commands only to persons of particular conditions, as alone conceived able to obey them, or to the whole body of citizens, with following clauses of exception in favour of those deemed incapable of performing the duties imposed on each man in general. In a Code recognizing caste or other distinctions of race or birth as stamping an immutable legal character on every subject from the first, the law of status in this sense, and the legislation determining it, might properly take precedence of other private laws. It would define certain dominant capacities by which the whole operation of the laws of property, family, and obligations would be pervaded and modified at every step. But in a system accepting as a principle the possibility of indefinite changes of personal condition a different set of considerations prevail. We are not met at every turn by an enlarged capacity attending a high caste or a *deminutio capitis* caused by a low caste: capacity for rights and duties presents itself as generally uniform, subject only to particular exceptions requiring special discussion. Thus, physical imbecility due to age or sex, mental, as in the case of lunacy, and disabilities arising from a foreign nationality or domicile, give rise to qualifications for their subjects of the commands and permissions that bear on others. A special extension of personal rights, as in the case of a British-born subject, is anomalous, and, like the exemption of a Native notability from attendance in Court, is best treated perhaps only as a singular provision of the particular law which in each case gives the privilege.

33. The cases of restricted capacity that we have mentioned may obviously in a general system be as well dealt with after as before the laws of property and of obligations. The case of insolvency, in which a man labours under a positive incapacity to pay debts which the law bids him pay, is a case of personal disability which cannot possibly be dealt with in legislation without an assumption of laws of property and obligation already established. Corporations and societies, whether formed for mercantile or for charitable purposes, are significant to the law solely or chiefly as artificial persons capable of holding property subject to special restrictions: the place of the law respecting them should naturally be determined by this consideration. The legal relations of such loose aggregates as the inhabitants of a hamlet, or the Dhors or Mhars of a village, stand on the border between the political and the private law. Co-ownership and co-liability, solidarity of rights and of obligations, being notions which come into activity as a rule only when the performance of obligations is due, and not really affecting the extent or essence of the rights or duties in themselves, the rules concerning these subjects group themselves most naturally

under the law of obligations. Within the same principle falls the law of partnership.

34. The duties and rights of persons in a quasi-representative character such as trustees, have reference necessarily in the main to property, and imply laws of property already recognized. The assignee, the incumbrancer, the judgment-creditor, the liquidator, the executor and the administrator have each his peculiar, and for some purposes representative, position. But the legal right or duty devolving on such persons on account of another is not in itself essentially varied by the devolution. It is determined only as to details by the particular law which makes them substitutes, and the law relating to it is united by a stronger association to the law of property or of succession than to the general law of persons. In like manner, the rules investing particular functionaries, unitedly or individually, with special competencies are connected more naturally with the political or public law than with a law of personal capacities. Many offices are regarded in England as freeholds. With these may be compared such groups of rights and duties as belong to a village-astrologer. The holder of such an office has no doubt a special personal position; but it consists in this, that, in consideration of his performing certain duties, he holds property or a right against the property of his fellow-villagers. There is in this no peculiar status, no medium through which the incidence upon him of the law generally is disturbed or varied.

35. Although, then, as men are the subject of all laws, it might seem proper to place the law of persons first in any complete system, yet, looking to the actual needs of society, the rules of the public law are those which must first be established. "*Jus privatum sub tutela juris publici latet*," as Bacon says; and the higher stages of its development cannot be reached save in the security afforded by fixed and known laws of penal coercion. It was practically indispensable, therefore, that the Indian Government should enact the Penal Code, the Code of Criminal Procedure and the Code of Civil Procedure before reducing to scientific order the branches of the private law which have since engaged its attention. They express the rules according to which the State will exercise its external coercive force; and though the Code of Civil Procedure ought, perhaps, in theory and in a final arrangement, to follow the laws to which it supplies a sanction, yet, as being simply imperative, it rightly stands historically where it does. The substantive law of property and of obligations, though as yet untouched in great part by legislation, was sufficiently understood when the Code was enacted to furnish unwritten rules for the common cases; and to these the procedure could be applied. So, also, could rules of authentication, such as the Registration-laws, and fiscal rules, such as the Acts relating to stamps and court-fees. Limitation may be deemed a part of procedure itself, and has called for regulation in a series of Acts. In the same branch of legislation the rules of evidence were summarized in 1855, and more completely by Act I of 1872. Its outline may be deemed completed by the Specific Relief Act, I of 1877.

36. If, now, we should suppose the legislature to proceed from the absolutely imperative rules embraced in the public law to those by which it will enforce duties by remedial interference at the request or suggestion of a person injured, we should look next for a Law of Wrongs. In a complete system, starting from the basis of what acts or abstinences one subject is to be allowed to exact from another, no doubt the laws defining rights and their exercise throughout the whole range to which compulsion is properly applicable would precede a law concerned with the infringement of such rights and the redress of the consequent injuries. But laws in the legislative era are directly concerned with duties, and but indirectly with rights. The practical measure of a right created by Statute is the obligation that this Statute imposes. To some duties there are no corresponding rights in the proper sense of an extension of the power of a private individual over the action of another. The State simply commands that, under given circumstances, a particular duty shall be done on pain of damages or a penalty for default. The notion in such cases of the conduct being properly compulsive, apart from any special engagement, is what links the law affecting them to that of private wrongs in the chapter of absolute duties. For all practical purposes, moreover, each genus of right is well established long before its species are determined and their characteristics finally settled by the

later refinements of legislation. If, then, the legislature says that, apart from any exercise of volition in engaging to do this or that act, each subject shall abstain from particular classes of actions, or under circumstances shall act in particular ways, in which another subject is directly interested, those classes of actions can be easily defined by reference to well-understood rights, although the remotest distinctions of the latter may not yet have been fixed by the positive law. An "earlier Statute deals [with cases] as a genus within which a new species is brought by a subsequent Act," even without an express reference to the earlier, "*ubi enim casus exprimi non poterat . . . casus omissus habetur pro expresso si similis fuerit ratio.*"* The law of wrongs, then, is theoretically possible and practically eligible as a subject for legislation without waiting for the detailed evolution of the laws of property and contractual obligations. As to the obligations arising from faults and failures of duty, which range from breaches of the law of quasi-contract up to the gravest civil injuries, that law itself must depend on another which defines the wrongs, and the kind of reparation which the law deems proper for each. It happens, here, as in every department, that according to any possible arrangement each class of laws is dovetailed in practice into some other. The real activities of social life are all going on together, and what a moment ago was a consequence has now become a cause in a tangle of interdependence. It is a necessary incident of all consecutive legislation that in earlier Acts there should be an anticipation of the main principles at least of others yet unconstructed.

37. As a matter of fact, the strict law of persons has acquired a definite form and purpose in the Acts relating to minority and the relations connected with it (Act IX of 1875, &c.), in the Lunacy Acts, and in the Naturalization and Extradition Acts, the last two standing on the border-land between personal and public or political law. The Companies Act, X of 1866, deals with the whole class of subjects suggested by its title. Act XX of 1863, removing the subject of temple-management from the domain of public to that of private law, has provided for the constitution of the bodies by whom the endowments are to be held and dealt with. The time for an expansion of this law and for recasting it in its final shape may hardly yet have arrived, though it seems clear that it will shortly need revision. In the department of family-law, marriage and divorce have been provided for by legislation in those sections of the community whose legal circumstances seemed to call for such regulation. Relations with regard to property as affected by marriage are in part determined by the Succession Act, X of 1865. The legal relations of parentage still await regulation, but for the great mass of the population are mingled, like all the family-relations, with religious laws which it would be political sacrilege to touch—a blunder under present conditions of thought and sensibility worse than a crime.† There is a law of guardian and ward, Act XIII of 1874, of very limited application, which may well be revised and extended. As to kinsmanship and its rights and duties—a topic of great importance under the Hindú Law of Inheritance, and of some importance under the Muhammadan law—legislation cannot be thought desirable until a systematic revision of these laws is called for with substantial unanimity by the Native communities themselves. Whenever such a work becomes expedient, Act XXI of 1850, preventing loss of property through loss of caste, and Act XV of 1856, permitting the remarriage of Hindú widows of all castes, will be embraced within further-reaching laws. The daily rule of civil life is disengaging itself by degrees in custom from the purely religious law, and the severance is hastened by the action of Courts working in a plane of thought but partially coincident with that of the Native mind: the growth of ideas in a wholly changed medium must here be awaited, not in any way anticipated. For the sections of the community not subject to the laws of Manu or of Muhammad, or other special personal law, the Succession Act provides a law which, during a trial of fourteen years, has been found well suited to their necessities, so far as can be gathered from the silence of those most interested. In matters not touching the personal law of Hindús, the same Act has been made applicable to them by the Hindú

* Bac. De Augm. B. VIII De Just. Univ. Aph. 20.

† No proposal, we are informed, has been entertained by the Government of India for legislation on the subject which would have the effect of withdrawing it in the case of Natives of this country from the control of their religious or personal laws. Any suggestions to the contrary must have rested on an entire misapprehension of the facts.

Wills Act, XXI of 1870, in the Lower Provinces of Bengal and in the towns of Madras and Bombay. As opportunities arise, it will be well to work on the same principle, by giving definition, regularity and means of authentication, so far as this can be done without causing misconception, to the various transactions which must still be governed as to their substance by rules sacred to those amongst whom they prevail, and not to be hastily moulded to conformity with a wholly alien system. The laws devised for this purpose should, however, stand for some years outside the general system of the Code, to be embraced within it only when time and use have shown with what variations, if any, they may be finally adopted.

38. Laws of the class to which we have just adverted would be instances falling under the principle we have stated of transitory circumstances met by a consciously transitory action of the legislature. To the same class would belong the rules which it may be necessary to enact on the thorny subject of change of personal law or of status attending a change of religion either on the part of the person held in view, or of some other person connected with him. It is a principle of the Hindú law as old as Manu that effect is to be given not only to local custom but to the usages of classes and of families. Under this rule it has been recognized that a Hindú family migrating may adopt the law of its new domicile or retain that of its former home. Primogeniture has been favoured in many cases. Female succession has in some been denied. The anomalies which a family may retain, it may also cast off, by indicating its submission to the general law. It was hardly an extension, therefore, of the existing law when the Privy Council in the great case of *Abraham v. Abraham* determined that a convert to Christianity might choose the law by which the devolution of his property should be governed. The High Court of Madras has ruled that a Hindú by his conversion subjects his estate to the operation of the Indian Succession Act (Act X of 1865). It is obvious that there are cases in which, according to the law as thus interpreted, an affected change of religion might be made a means of inflicting grievous wrong. In some districts conversions of Hindús to Muhammadanism are pretty frequent, though only amongst the lower orders. Fishermen on the Western coast oscillate sometimes between Christianity and a Hindúised Muhammadanism. The questions raised by cases such as these cannot, it is plain, be disposed of by the legislature with advertence merely to the single possibility of conversion to Christianity. Christians have become Mussalmáns; Sikhs return sometimes to ordinary Hindúism; and a family once Jains has been found included within the community of the Lingayats. In the confusion of classes and the corruption of creeds, of which some provinces present such strange examples, it may eventually be found expedient to place the law of status as to property and as to succession on a footing wholly unconnected with religious belief or profession wherever the two are not indissolubly united. But for the present, and perhaps for a generation to come, the steps taken towards the solution of this legislative problem should for the most part be local, tentative, and occasional. In the meantime it deserves consideration whether, as regards property wholly at his own disposal, the Native of India, who may under circumstances elect amongst different forms of the Hindú law, ought not to be empowered to place himself under the sway of the Succession Act, and the other general laws of the same class enacted by the legislature.* It seems highly undesirable to make a declaration of a change of faith a condition precedent to admission to an improved law of property and succession; and a public notice duly registered may perhaps be thought a sufficient safeguard against fraud on the part of one desiring to embrace the benefits of modern legislation.

39. Taking, then, the great divisions of a complete future Code to relate to (1) Public and Political Law, (2) Absolute Rights and Duties, (3) Obligations, (4) Property, (5) Personal Law, (6) Family Law, and (7) Successions, we find that the most marked deficiencies are under heads (2) and (4). For the law of

* Sir Charles Turner observes that a Hindú may by will distribute property wholly at his own disposal in accordance with the Succession Act, but he doubts whether he can merely by election place himself under a particular form of the Hindú law. He would substitute for this passage the following:—

"It deserves consideration whether, as regards property wholly at its disposal, a family which may by usage place itself under a special form of law, whether Hindú, or any other, might not be empowered to declare that its property shall be governed by the Succession Act and other general laws of the same class enacted by the legislature."

property, judicial investigations, conducted now in a much more enlarged spirit than formerly, are rapidly paving the way to safe and comprehensive legislation; but to strike out into a region not thoroughly pioneered, or to follow the unsafe guidance of the English law, might do infinite harm. The work must be one of time and watchfulness and patience. Meanwhile, should the Bills which we now recommend obtain the approval of the legislature, the positive rules as to rights in the substantive Civil law will have received a considerable development. The Contract Act, with the Acts relating respectively to Negotiable Instruments, to the Transfer of Property, and to Trusts, will have settled the main principles of free bilateral transactions and fiduciary relations. The law as to the estates and interests to which the State will give effect in immoveables cannot as yet be reduced in its whole extent to systematic uniformity; but Alluvion is an important fact, which has daily to be dealt with, and our acquaintance with the broader features of the law of fixed property enables us to pronounce on the expediency of such limitations and extensions of proprietorship as are involved in a reasonable law of Easements. On the frontier-line of contract and family-law we place the Master and Servant Bill, carefully avoiding any aggression beyond what is absolutely necessary on the delicate domain of purely domestic relations. When these Acts or the chief of them have been passed,* we think that the Law of Wrongs, or of absolute private duties and rights, may next most profitably engage the attention of the legislature. This law, standing between the criminal law and the laws of property and obligations, is interwoven with both. It has numerous connexions also with the law of persons and of the family, and even with the law of succession, considering the onerous responsibilities which the latter throws on executors. If, in legislating on the subject, there will be some slight anticipation of rules yet to be precisely formulated, it may be said that there will at least be no presumption of leading principles still to be established. On the other hand, the positive rules as to rights which have already been enacted require, as a complement, a rational law of wrongs. What acts or omissions, under what circumstances, are civil wrongs may be answered generically at least on principles already accepted and embodied in our positive law, and beyond broad general rules it is not expedient to go. Such rules well co-ordinated and not frittered away in transcendental distinctions may, we apprehend, be safely left for minute development in the hands of the judges. The details of life and of social relations differ infinitely in this country from what they are in England, albeit the foundations of morality are in both countries the same: great care therefore should be exercised to avoid giving an arbitrary generality to special or secondary principles of the English system. Within firm and unmistakable outlines ample room should be afforded for the play of individual energy, for the growth of beneficial influences springing from sources within the community itself, and for the plastic force of judges and administrators at once in thorough sympathy with the legislature and thoroughly instructed in the habits, practices and tendencies of the Native community. We are not without hope that a clearly-drawn Code of absolute civil duties, well adapted to the character of the people, may, with the Penal Code and the Contract-law, serve in the course of time as the solid core of a greatly improved scheme of popular ethics. The argument that by knowing their absolute civil rights people will in many instances be led into litigation for the sake of asserting them, though it has been seriously advanced, is hardly worth serious discussion. Its natural conclusion is that all civil laws are an evil; it may be all penal laws too, since, if no one knew that he could obtain redress, no one would complain of any injury. In the one case or in the other the clearer the legal duty becomes, the fewer occasions will there usually be for litigation. Laws are made and administered in the interest of the general wellbeing. No rights should be given by law except those which it is important to maintain; and when the law conforms to this principle, the man may be regarded as a friend to society who, in vindication of his private right, enforces observance of a rule universally beneficial.

* As to the order in which the several Bills should be brought forward, none more convenient suggests itself than that in which we have here mentioned them. The Transfer of Property Bill is probably the most important in the extent of its bearing on the transactions of the people at large, and on that account might claim the first attention of the legislature; but the Negotiable Instruments Bill would probably be passed with greater rapidity, and would in its department be a very useful measure.

40. The Law of Torts, in the scope which we think ought to be given to it as a principal division of a general Code, will exact from its framers a great deal of labour and discrimination. The time to be expended on its preparation, if used with reasonable diligence, ought not to be in any way stinted. The various propositions and rules contained in it should be dwelt on for so long that they may be brought fairly and closely into comparison with the innumerable other jural notions, which will not come at a moment's notice, but present themselves spontaneously in the course of leisurely deliberation. To the legislature at large such a law will supply a subject on which all available experience and acumen may well be expended for a considerable time. Whether, then, any other far-reaching measure should at the same time be in hand may admit of question. We are inclined to think that when a topic of difficulty and great extent, having widely ramified connexions with human affairs and interests, has to be dealt with, the most effective course is to allow the mind for the time to be in a great degree possessed by it. By this, mental activity is not checked, rather stimulated; but all thoughts are for the time weighed with reference to the main and central object of consideration, until a coherent body of ideas has taken form and substance. A comparison of results then brings out the strong and the weak points of each man's conclusions and opinions; superficialities are readily disposed of. And all this care the Law of Torts in an especial degree requires. But if time and thought can be found for other subjects concurrently with this, we would suggest that the scheme set forth in paragraph 7 of the despatch of the Government of India to the Secretary of State, No. 34, dated 10th May, 1877, should be carried to completion. The laws of insurance, of carriers, and of lien are all of considerable importance; and they are to a great extent in the incipient stage in which they can be moulded according to the wisdom of the legislature without individual injury or inconvenience.* Still they do not affect the daily life of the great bulk of the people in any serious degree. No great harm will arise from the postponement of legislation regarding them until the heavier task is done.

41. When the Acts that we have suggested have been passed, the Law of Property in its whole extent will be a fit object of attention.† It is a wide and intricate subject, demanding for its mastery a mind well furnished with general principles, and with ability to grasp and measure details. To predict whether out of the multitudinous interests and rights relating to property which present themselves in India a uniform system of propositions and rules applicable to the whole country, or to a great part of it, can be evolved would be to anticipate the result which can really be reached only by close and prolonged study and observation by specially capable men.‡ In the meantime the work already accomplished by the legislature, united with other deeply reaching influences, must gradually produce great changes in the mental attitude of the people towards a scientific reformation of the law in those respects wherein an amelioration shall seem called for. When a new set of ideas has been received into the popular mind, an older set logically inconsistent may for some time stand side by side with it; but the intellectual ground having been taken away, the hold of superannuated notions by mere association is gradually loosened, and the way is prepared for their modification or complete absorption. As industry and enterprise extend in India, and larger capitals are invested in improvements

* The principal foreign trade of India is carried on with England; the internal trade has been mainly developed by the operations of English or other foreign merchants residing in the Presidency cities and towns of export, who are familiar with English law. The law of contracts adopted by the legislature and now in force follows closely the English law. These considerations point to the desirability of securing a conformity of the mercantile law of India to the mercantile law of England, provision being made for the preservation of such Native customs as have survived the extension of commerce. To the codification of this branch of the law no objections have been taken.

† This, in its final form, will obviously include the chapters on Alluvion, as a mode of accession, and on Easements, as particular extensions and restrictions of the rights of ownership, which as subjects for practical legislation require immediate attention. Closely connected with these are incorporeal rights, which in India sometimes take peculiar and characteristic forms. The law of boundaries, the rights and duties of neighbouring owners as to delimitations and landmarks, is a topic of practical importance requiring careful investigation. There are many other objects falling under the same general title which it is not necessary to enumerate, and which indeed would in some instances vary in their name and their contents according to the presiding theory ultimately adopted.

‡ Constituted as is the Legislative Department of the Government of India, it appears to promise better results than the Law Member of Council for the time being should (save when legislation is urgently called for on any other subject) select for codification those branches of the law with which he is most familiar. Thus the valuable chapter on Powers drawn by Sir Arthur Hobhouse and included in the earlier editions of the Transfer of Property Bill came from a hand specially skilled. It has been found necessary to lay this aside for the present, but only, as we anticipate, to be resumed when a general sense of its utility and fitness has been developed by the further growth of legal conceptions.

of the land, many existing customs will so palpably be impediments to progress that their extinction will be generally welcomed. Any general law which may be framed for many years to come should be traced on spacious lines, avoiding over-interference, while leaving ample room for inevitable change. Such partial improvements as are meanwhile called for may best be made with special reference to local circumstances. For that important branch of the law which relates to landlord and tenant we have made provision, so far as at present seems expedient, by the chapter on Leases in the Transfer of Property Bill.

42. We do not think that at present our suggestions for the extension of general legislation could with advantage or prudence be pushed any further. What Bacon says of cases is equally true of laws themselves,—*Angustia prudentiæ humanæ casus omnes quos tempus repperit non potest capere*,* and the work we have proposed should not be hurried through any premature reaching beyond it to remoter aims and ends. But by the side of constructive legislation we think that a preparation might well be made for a systematic chapter on interpretation. It would be desirable, indeed, that the main propositions of such a chapter should as soon as possible be laid down, at least provisionally, and consistently adhered to throughout the component parts of the future Code. To some extent this principle has been followed; but if once the resolution be adopted of reducing the rules of interpretation to a system, they will of necessity operate forthwith more strongly and uniformly on the legislation of the future. We would not, indeed, be understood as advocating any large introduction of English legal nomenclature into the Indian law. Technical words are seldom quite correctly apprehended by Natives of India: they often have a connotation which leads one into a field of ideas quite foreign to the Indian law; and they are subjected, as time goes on, to explanations and developments in the English Courts which cannot always coincide with the intention of the Indian legislature. These are inconveniences which we would as far as possible guard against. As matters stand at present, the reports of the English Courts, inestimably valuable to the lawyer and the judge if rightly and reasonably used, are not infrequently made a means of upsetting the law in India; and as to the legal vocabulary in particular, a word originally admitted with reserve as the nearest in sense to some idea for which expression was sought has in after-days sometimes gained an established position and supported fallacious arguments. As the Code is gradually built up, such accidents would have a most mischievous effect; and yet they are almost inevitable, unless they are prevented by interposing a timely check to all ingenuity of perversion. Framed in this spirit, a Code of construction may, we think, be widely beneficial. In modern times, as the freedom of judicial interpretation becomes more restricted, the reaction of the form of the law upon its substance is more extensive and deeper than in earlier days. This is the palpable danger of a complete Code. It fixes the mobile elements of the law at the moment of its creation; it may petrify them and deprive them of their capacity of growth under the care of scientific doctrine at the call of extended needs. The danger reaches its climax when the principles of a foreign system are imposed on a community of different character and habits; and the danger lies very much in the terminology. While, then, our legislature itself takes out the kernel of English judicial wisdom, it must guard against the *lex viva*, the concrete law, becoming a composition of shells and rind. As in the field of physical science every great advance in discovery is attended with some enlargement of general conceptions and some improvement of method, so in the progress of legal development under any system accepting purely rational standards, each step towards perfection involves a recognition of human relations hitherto less clearly seen, or a change of standing point from which new truths come into view. To enable such truths to be widely appropriated, such benefits to be gained with the least incumbering admixture, should be the purpose of a good Code of interpretation. Thus, in the language of Lord Mansfield, “our jurisprudence should be bottomed on plain broad principles, such as not only judges can without difficulty apply to the cases that occur, but as those whose rights are to be decided upon by them can understand;” while, pending the enactment of a Code of interpretation, and even after its enactment, our judges and administrators may well follow the maxim of Lord Eldon that, “instead of struggling by little circumstances

* De Augm. VIII Aph. 10.

to take cases out of a general rule, it is more wholesome to struggle not to let little circumstances prevent the application of the general rule." The Digest which has been proposed would hold out too many temptations to the mischievous ingenuity that Lord Eldon condemned. It is needless, as private enterprise has supplied it. If made discriminative, it would be a bad form of legislation. Of Indian judgments, as of books, it may be said "some are to be read only in parts, others to be read but not curiously; and some few to be read wholly and with diligence." In resolving which were good, bad or indifferent, the Government would have to determine what the law was or ought to be; and, having so determined, it had better legislate at once in order to prevent all further contradictions and errors.

43. Regarding the subject of codification and of systematic legislation finally from the purely practical point of view, it is to be observed that we have one supreme and three local legislatures. We have four High Courts, one Chief Court, and several Judicial Commissioners with the powers of High Courts, of which none are bound to accept as binding the rulings of others. To the tribunal of Her Majesty in Council, which alone can constrain the decision of the local Courts of appeal, access is possible only in cases of high pecuniary value and at an expense beyond the reach of the large majority of suitors. Working under the higher Courts of appeal are a number of Judges, European and Native, who in many instances display remarkable ability, but of whom the majority have had but a defective training owing to the conditions under which they have had to work as members of the public service. It is manifestly desirable that Judges of the first instance, by whom so large a proportion of the judicial work of the country is done, should in their often remote and isolated stations receive all the guidance and support that can be afforded them. It is desirable, too, that the superior Courts should be provided with a uniform body of rules applicable to the chief relations of social life, in order that inconsistencies and contradictions of decision may be prevented, and the great difficulty averted which must eventually arise from irreconcilable systems completely established in different parts of the country. A well-framed Code will not only reduce the necessary bulk of law-libraries, but will focus the wisdom and acumen of many learned expositors upon identical points of construction and detailed development. In such a concourse of intelligence the better interpretation, the sounder principle, must prevail; and thus the lower Courts will be trained, not only to a right understanding of particular enactments, but to a rational and effective method of dealing with the whole range of problems set before them.

44. Amongst the many communities which have in recent years recognized the great advantages of codification is that of Lower Canada, where, as in India, a heterogeneous population made it necessary to build on wide and liberal general principles. From the introduction to its Civil Code we borrow an extract with which we conclude this part of our report:—

"Prospectively, the Code promises uniformity of jurisdiction which contributes to diminish litigation, and to add to the security and stability of our civil rights.

It offers great additional means of legal education from which may be expected a higher standard of professional excellence.

It will ensure among the individual members of society a more intimate acquaintance with their civil rights and obligations, tending to increase and facilitate business-relations and to promote the natural welfare of the community. Moreover, as a barrier against the continual inroads of fragmentary legislation, it is an earnest of stability in the law itself.

To this we would add that it is an element in good government that there should be certainty in the rules regulating the conduct of the governed, so far as they are to be held by law accountable for such conduct to the State or to their fellows, in the rules regulating the rights and obligations of property, and in the rules providing remedies for the invasion of rights. Certainty in these rules conduces to the happiness and prosperity of the governed scarcely in a less degree than does their conformity to the highest standard of jurisprudence. 'It matters little what the law is, so that it be settled' may be truly said in all cases in which it is of necessity arbitrary, and in many in which it is conventional.

II.

We have carefully enquired into and considered the six Bills referred to in the margin: we have also perused the comments on those Bills sent up by the several Local Governments at the request of the Government of India, the criticisms of the same Bills volunteered by Sir

1. The Negotiable Instruments Bill.
2. The Transfer of Property Bill.
3. The Alluvion Bill.
4. The Master and Servant Bill.
5. The Easements Bill.
6. The Trusts Bill.

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James Stephen, and the important paper of Sir Henry Maine; and we are unanimously of opinion that those Bills deal with branches of the law which may properly be codified; that the proposed enactments should extend to the whole of British India; that, except in the case of the Master and Servant Bill, no class of the community should be excluded from their operation; and that, subject to certain modifications which we proceed to suggest, they should all, with the exception of the Easements Bill, be enacted with as little delay as possible. As to the Easements Bill, Mr. Stokes and Sir Charles Turner are of opinion that, with the amendments hereinafter specified, it might become law at once; but Mr. West, being of opinion that the introduction of this measure may, without public detriment, be for a short time postponed, desires not to be finally committed to all the details of the Bill, should further information suggest modifications in them.

In the following remarks we shall refer to the Bills as printed in the book entitled "*The Six Codifying Bills laid before the Indian Law Commission, Calcutta, 1879.*"

1.—THE NEGOTIABLE INSTRUMENTS BILL.

This Bill, originally framed by the late Law Commission, was, as far back as 1867, introduced into the Legislative Council of the Governor General and referred to a Select Committee. Since then it has been redrawn by Mr. Phillips of the Calcutta Bar: it has received copious and valuable criticism from the Local Governments, the High Courts and the Chambers of Commerce in the Presidency-towns and Rangoon, and it has been carefully revised by a Select Committee comprising the Advocate General of Bengal, Mr. Evans of the Calcutta Bar, and Mr. Morgan, a leading Calcutta merchant. We have found little or nothing to change in the Bill (a); but we think that certain additions, which we proceed to specify, may usefully be made to it.

On the
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Chapter I: Preliminary.—Section 1, paragraph 2, saves, in our opinion rightly, local usages relating to hundis and other instruments in an oriental language. But, in order to facilitate the assimilation of the practice of Native shroffs to that of European merchants, we recommend the insertion of a proviso that such usages may be excluded by any words in the body of the instrument indicating an intention that the legal relations of the parties shall be governed by the proposed Act. An eminent critic of the Bill says that he "cannot see why uniformity of practice is desirable." The reason is that it prevents uncertainty and litigation, and facilitates dealings, not only between English and Native merchants, but between Native merchants in different parts of India. The practical working of a system of credit is made safer and more beneficial when the bills of exchange under which a banker or merchant is responsible are governed by precisely the same legal conditions as those on which he is a creditor and with reference to which the others were issued or accepted.

We think that a definition of "signed" may usefully be added. Sir Charles Turner suggests the following: "'signed' means having the name of the person whose signature is by this Act required written by such person or by an agent authorized in that behalf, or indicated by a mark intended by such person as his signature, or impressed by a stamp or seal when a stamp or seal is commonly used by such person for such purpose."

Chapter II: Of Notes, Bills and Cheques.—To sections 4, 5, explanations shewing when an undertaking to pay is 'unconditional,' when the sum payable

(a) There is a misprint in Section 90, line 5, where 'drawers' should be 'drawees,' and another in Section 125, line 7, where 'from' should be 'for.'

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is 'certain,' and when the payee is a 'certain person' should, we think, be added. They might run thus:—

"A promise or order to pay out of a specified fund is 'conditional'; but an undertaking to pay in terms absolute is not rendered 'conditional' by a declaration that provision for the payment will be made out of a specified fund.

A promise or order to pay is not 'conditional' by reason of the time for payment being expressed to be on the lapse of a certain period after the occurrence of a specified event which, according to the ordinary expectation of mankind, is certain to happen, although the time of its happening may be uncertain.

The sum payable may be "certain," although it includes future interest payable at a rate specified according to an indicated rate of exchange, or is expressed to be payable according to the course of exchange, or by instalments (if such instalments are declared to fall due on fixed dates), and although the instrument provides that, on default of payment of an instalment, the balance unpaid shall become due.

The person to whom payment is to be made may be a 'certain person,' although he is misnamed or designated by description only, or though it be directed that payment be made to one or to another of several persons, if it appears on the face of the instrument that there is community of interest between them.

In a bill of exchange the person to whom it is clear that the direction is given is a 'certain person,' although he may be misnamed or designated by description only. If an address only is given, and the person residing at such address accepts the direction, the uncertainty is cured. The direction may be given to a "certain person," though it be given to one or other of several persons."

Section 8.—Before 'parties,' the words 'maker or' seem wanted.

Section 18 might be extended so as to meet cases of error not uncommon in Native documents purporting to specify the sum, its half and the double of the half. It might run thus:—

"18. Where the sum undertaken or ordered to be paid is differently stated in the body of the instrument and on the face of, but outside the body of, the instrument, the sum stated in the body of the instrument is the sum undertaken or ordered to be paid.

Where the sum is in the body of the instrument stated differently in figures and in words, the sum stated in words is the sum undertaken or ordered to be paid.

Where the sum is in the body of the instrument more than once stated in words and differently, the less sum is the sum undertaken or ordered to be paid."

Section 19 should, we think, provide also for undated instruments. The requisite clause might run thus: 'A promissory note, bill of exchange or cheque, in which the date of making or drawing is not specified, takes effect from the date of the first negotiation thereof.

Sections 21 and 23.—In the former section, after the word "acceptance" we would introduce the words "or noting for non-acceptance;" in the latter, line 7, after the word "sight" the words "or noted for non-acceptance."

Chapter III: Parties to Notes, Bills and Cheques.—*Section 33:* The statement of the obligations of the drawee of a cheque is not complete. After the word "must" we think there should be introduced the words "unless he has received notice that the drawee is dead or has been declared insolvent, or declared by the proper authority of unsound mind and incapable of managing his affairs;" and the following proviso should be added: "Provided that the drawee is not so liable, unless such funds have been in his hands for a sufficient time before the presentation of the cheque for payment to enable him to ascertain the state of accounts between him and the drawer."

Section 34.—For the first nine words we would substitute "subject to the other provisions of this Act," and omit the final paragraph.

Section 35.—For "all or some of several joint drawees" we would substitute "all or some or one of several drawees." We suggest that in some part of the Bill, and possibly here, a clause should be inserted showing that, to determine who is liable as an acceptor, the address to the drawee and the acceptance should be read together. We would also insert clauses showing that there may be a valid acceptance before the bill is signed or while it is otherwise incomplete, or after it is overdue: that an acceptance is invalid if the acceptor undertakes to comply with the request otherwise than by payment of money: that an acceptance may be qualified in certain specified cases. The case where the drawee is the same person as the drawer or a fictitious person should also be provided for. These clauses might run as follows:—

Time when acceptance may be made.

(a) before it has been signed by the drawer or when it is otherwise incomplete;

"A bill of exchange may be accepted—

- (b) after it is overdue ;
- (c) after it has been dishonoured by a previous refusal to accept or by non-payment.

Acceptance when invalid.

wise than by payment of money.

Acceptance unqualified or qualified.

"An acceptance is unqualified where the drawee, or, where there are several joint drawees, all of them, assent without qualification to the order of the drawer.

"An acceptance is qualified—

- (a) where it is conditional, declaring the payment to be dependent on the happening of an event therein stated ;
- (b) where it undertakes the payment of part only of the sum ordered to be paid ;
- (c) where, no place of payment being specified on the order, it undertakes the payment at a specified place and not otherwise or elsewhere ; or where, a place of payment being specified in the order, it undertakes the payment at some other place and not otherwise or elsewhere ;
- (d) where it undertakes the payment at a time other than that at which under the order it would be legally due ;
- (e) where it is made by one or more of several joint drawees, not being partners, and not by all.

"If the drawer and drawee of a bill of exchange be the same person, or the drawee be a fictitious person, the holder may at his option treat the instrument as a promissory note or a bill of exchange."

Where the drawee is the same person as the drawer or a fictitious person.

Sections 47 and 48.—We would redraw these sections thus :—

47. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

48. Any person who, being liable as a party to a negotiable instrument to pay the amount due thereon, pays the same, may recover such amount from any party to such instrument prior to himself and to a transferee for consideration, or to himself as such a transferee.

Chapter IV: Of Negotiation.—Though the subject of delivery of negotiable instruments is to some extent treated in sections 8 and 14 and chapter IV, we would prefix to the sections dealing with negotiation clauses relating to delivery generally, and to the following effect :—

"The making, acceptance or indorsement of a promissory note, bill of exchange or cheque is completed by delivery, actual or constructive.*

As between parties standing in immediate relation, delivery to be effectual must be made by the party making, accepting or indorsing the instrument, or by a person authorized by him in that behalf.

As between such parties and any holder of the instrument other than a holder in due course, it may be shown that the instrument was delivered conditionally or for a special purpose only, and not for the purpose of transferring absolutely the property therein.

A promissory note, bill of exchange or cheque payable to bearer is negotiable by the delivery thereof.

A promissory note, bill of exchange or cheque payable to order is negotiable by the holder by indorsement and delivery thereof."

Section 60.—The rule declared in this section is incomplete. We would substitute "appearing to be due on" for the word "of" after "amount," and add : "but where such amount has been partly paid, a note to that effect may be indorsed on the instrument and the instrument negotiated for the balance."

Section 65.—Sir Charles Turner would substitute the following :—

"65. The holder of a bill of exchange payable after sight or after demand must negotiate it within a reasonable time, or present it for acceptance.

In order to charge any party thereto, a bill of exchange payable after sight or after demand, or containing a direction to that effect, must be presented for acceptance, unless such presentment has been excused by the party sought to be charged therewith.

Any other bill of exchange may be presented for acceptance.

Presentment for acceptance must be made to the drawee or to some person authorized on his behalf to accept or refuse acceptance (if after reasonable search the drawee or such per-

* Sir C. Turner would here explain 'delivery' as "the transfer of possession, actual or constructive, by the party making, accepting or indorsing an instrument with the intention of accepting the liability of a maker, acceptor or indorser, as the case may be."

son can be found) within a reasonable time after the bill is drawn and in business-hours on a business-day.

Explanation.—In determining what is a reasonable time for the negotiation or presentment of a bill for acceptance, regard must be had to the nature of the instrument, the usage of trade with regard to similar instruments, and the circumstances of the particular case, looking to the interests of the holder as well as of the drawee.

If default is made in the due presentment for acceptance of a bill of exchange payable after sight or after demand, or containing a direction that it should be presented for acceptance, no party thereto except the drawee or a party who has excused such presentment is liable on the bill: Provided that, if a competent drawee, or a person authorized to accept on his behalf, cannot after reasonable search be found, the bill is dishonoured."

Section 66.—The words "if he can, after reasonable search, be found," should apparently be inserted in line 2, after "sight."

Section 67.—For this section Sir C. Turner would substitute the following:—

"67. The drawee of a bill of exchange presented to him for acceptance may require that it be delivered to him, and may retain it for twenty-four hours, exclusive of public holidays, to consider if he will accept it. After the expiry of the twenty-four hours, he must re-deliver it to the person by whom or on whose behalf it was presented, whether he has accepted it or not."

Mr. Stokes and Mr. West would merely substitute for 'may' in line 1, the words "must if so required by the drawee."

Section 78.—Mr. West thinks that the drawer of a negotiable instrument payable on demand ought not to be subjected to risk through unreasonable delay on the part of successive holders in presenting it for payment. Unreasonable delay by parties subsequent ought, he thinks, to excuse prior parties from liability when such delay appears on the instrument.

Section 80.—We would add to clause (a) the words "as against any party sought to be charged therewith, if he has engaged to pay notwithstanding non-presentment." Mr. West thinks that this engagement ought not to give the person bound by it any recourse under section 48 against prior parties.

Section 83.—We would strike out "and" in the fourth line, and insert "due thereon." [The amount may not be claimable in full (sections 49 and 50), or it may have been in part paid.] We would insert "of the principal-money" after "amount" in line 3. We would then substitute "such" for "the" in line 5, and strike out "due thereon."

Similarly, in section 84, we would substitute "due thereon" for "thereof" in line 2.

Section 85.—It would be useful to insert a section to the effect that a cheque satisfied by payment is the property of the drawer, but may be retained by the drawee till accounts are settled between him and the drawer.

Chapter VII: Of discharge from liability.—We would here insert a section:—

"If a bill of exchange which has been negotiated is at or after maturity held by the acceptor in his own right, all rights of action thereon are extinguished."

Section 87.—After the words "twenty-four hours" there should be introduced "exclusive of public holidays."

Section 88.—After "payment", in line 2, there should be introduced "within a reasonable time."

Section 90.—We would either add to this section as it stands the words "unless on notice given by the holder they assent to the acceptance" or substitute the following:—

"90. If the holder of a bill acquiesce in a qualified acceptance thereof, he is bound to give notice of such acceptance to the other parties to the bill: any party to whom he omits to give notice is discharged."

Chapter VIII: Notice of dishonour.—To section 94 there should be added, after the first paragraph:—"or where presentment is excused and the bill is not accepted"; and in the second paragraph, after the word "contract," there should be introduced the words "or the acceptance is qualified."

Section 94.—Mr. West thinks that presentment excused should be equivalent to actual presentment, only against the person excusing it; but that an impossibility of presentment, as in the case of an absconding or fictitious drawee, should rank as dishonour.

Chapter X: Of reasonable time.—Sir Charles Turner would omit section 108, leaving the rule as stated in section 107. The section as it stands is, in his opinion, inconsistent with section 107, and declares a rule which is not only far more strict than the existing law, but would be highly inconvenient. Bills are often negotiated before presentation for acceptance. Cheques need not be presented on the day after they come to the holder's possession; and negotiable instruments payable on demand are frequently given as a continuing security. On tiab men

Chapter XI: Acceptance and payment for honour.—The Bill contains no statement of the procedure in the case of acceptance *supra protest*. It appears to us desirable that the law of India should in this respect be assimilated to mercantile law elsewhere and to the practice obtaining in this country. We therefore recommend that the following clause be inserted :—

“An acceptor *supra protest* must personally appear before a notary public with witnesses, and declare that he accepts, under protest, the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour, and that he will satisfy the same at the appointed time; and then must subscribe the bill with his own hand.”

Unless the person who intends to accept *supra protest* first declares in the presence of a notary that he does it for honour, and has such declaration duly recorded in the notarial register at the time, his acceptance shall be a nullity.”

Section 111 should, we think, run as follows :—

“When a bill of exchange has been noted or protested for non-acceptance or for better security, any person, not being a party already liable thereon, may, with the consent of the holder, accept the same for the honour of any party.”

And for section 112 we would substitute the following :—

“*Section 112.*—A person desiring to accept for honour must in the presence of a notary public subscribe the bill with his own hand, and declare that he accepts under protest the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour; and such declaration must be recorded by the notary in his register. Where the acceptance does not express for whose honour it is made, it shall be deemed to be made for the honour of the drawer.”

Chapter XIV: Of Foreign Bills.—Although in practice inland bills are not generally drawn in sets, they may be so drawn; and in this country, where the postal service is in parts necessarily performed with unavoidable insecurity, we think it desirable it should appear in the beginning of the Bill that inland bills may be drawn in sets. In the Commissioners' Bill it does so appear.

We would alter the heading of this chapter, and transfer section 128 to chapter XI, and section 129 to chapter IX.

Section 126.—The Exception to this section does not go far enough. If an acceptor has accepted one of the parts of a set, payment of another part which he has not accepted will not discharge him from liability to pay a holder in due course of the accepted part. Again, not only is the indorser who has indorsed two parts to different persons, but indorsers subsequent to him of the part not paid, are liable to holders of such part in due course. In the Exception, for the last thirteen words, we would therefore substitute “he and the indorsers of each part are liable on such part as if it were a separate bill.”

Section 128.—A referee in case of need may be named in an inland as well as in a foreign bill of exchange, and as well by an indorser as by a drawer. When a referee is so named in an inland bill of exchange by an indorser, presentment to the referee is optional. In foreign bills it is compulsory, in order to charge the person who has given the reference and all subsequent indorsers.

A referee in case of need may accept and pay without previous protest according to Chitty (120) (see also Chalmers, art. 37, note). We would, as we have said, carry this section into chapter XI, with some additions. We would head that chapter, “Of acceptance and payment for honour and reference in case of need.”

The definition “drawee in case of need” should be amended as follows—

“When in the bill or in any endorsement thereon the name,” &c.;

and section 128 should run—

“Where a drawee in case of need is named in a bill of exchange or in any indorsement thereon, the bill is not dishonoured until it has been dishonoured by such drawee.”

On the Nego-
tiable Instru-
ments Bill.

We would add a section: "A drawee in case of need may accept and pay the bill of exchange without previous protest."

Mr. West thinks the Bill ought to contain a section embodying the principle stated in *Maillard v. Page*, L. R. 5 Ex. 312, 319, that an acceptance and any accompanying written contract are, as between the immediate parties, to be construed together.

We think that the second clause of section 125 (as to the non-liability of a banker who has received payment for a customer of a crossed cheque) should be amended in accordance with the views of Grove and Lindley, JJ., in *Matthiessen v. London and County Banking Company*, 48 L. J. C. P. 529, by omitting the first word "but."

As to the arrangement of the Bill, we would suggest that the provisions in sections 26 and 103 as to presumptions, and those in sections 42, 43, and 44 as to estoppels, might better be placed together in a separate chapter headed "Special Rules of Evidence." Section 31 should, apparently, follow section 35: section 48 should precede section 47; and some other slight alterations in the arrangement may be found desirable.

2.—THE TRANSFER OF PROPERTY BILL.

On the Trans-
fer of Proper-
ty Bill.

Recognizing in this Bill, which was originally drawn by the late Law Commission and has since been repeatedly revised, the most important of the measures laid before us, we have devoted to it perhaps an undue share of the limited time at our command.

Although it has been objected to the Bill that it deals with subjects which at a later stage of the work of codification will have to be arranged under separate chapters, it has appeared to us convenient to retain for the present in a great measure the form in which it was originally drafted.

Dealing generally with the transfer of property, its arrangement enables the legislature to determine to what general principles the law of transfer should conform, and to apply such principles consistently.

Read with the Contract Act, this Bill covers almost the whole of the ground which could be profitably occupied by law relating to the transfer *inter vivos* of interests in property; and for the convenience of the practitioner it could hardly be enacted in a more accessible form.

This, it appears to us, justifies the introductory chapter, which, after declaring what rights are inalienable and by what persons transfers may be made, proceeds to declare restrictions of the transfer of property called for in the interests of society. These restrictions are identical with those which are already incorporated into the law of India in the Succession Act.

In considering the necessity for these provisions, it must not be forgotten that the number of domiciled Europeans and Eurasians holding property in India has of late years greatly increased, and that the value of the property held by them in plantations of tea and coffee, in mills and machinery and in other investments, now amounts to many millions of pounds sterling. These persons and their estates are subject to the law of succession (Act X of 1865), and it would be obviously inconsistent that they should possess powers of creating estates in their property by transfers *inter vivos* which the legislature has declared they should not enjoy by testamentary disposition. Moreover, where the declared law is silent on the subject in respect of transfers *inter vivos*, the Courts may, and probably would consider themselves bound to, recognize principles stamped with the assent of the legislature as conclusive of the question that transfers *inter vivos* creating estates in violation of these principles are invalid as opposed to public policy.

The Privy Council has already ruled that estates cannot be created by Hindús in contravention of the principles which underlie the Thellusson Act, or subject to conditions which are void for repugnancy.

The rules contained in sections 10 to 35 impugn, so far as our experience goes, no law or practice of Hindús, Muhammadans or other sects recognized in India as enjoying special personal laws, unless it may be the now obsolete practice among Muhammadans of devoting property to the maintenance of the

family of a particular saint. But to avoid any disturbance of rights enjoyed under personal laws, sufficient provision is made in the Bill.

The persons to whom the provisions we are now considering will in practice be found mainly applicable are property-holders who have been designated in former Acts as "persons to whom the English law applies," a phrase which gave rise to no little difficulty in the case of persons holding property in the mufassal. This class has now attained sufficient importance in numbers and wealth to demand at the hands of the legislature an explicit declaration of restrictions which may be imposed on their dealings with their property, and where these restrictions are founded on approved principles and not inconsistent with personal law, there is no reason why they should not be declared of general application.

The sections from 36 to 53 embody rules already applied in the Courts of India, or flowing naturally from accepted principles.

The rules relating to sales, mortgages, exchanges and gifts declare generally no more than is understood and applied as law in the Courts. The exceptions will be noticed in our detailed observations.

Chapter I: Preliminary.—We would expressly save, in section 2, transfers by decree or order of Courts of competent jurisdiction.

In the interpretation-clause (section 3) we would insert definitions of "ownership," and "property;" we would extend the definition of "attached to the earth" so as to include trees and shrubs; and with reference to sections 40, 56, 78, 79 and 80 of the Bill as we have revised it, we would define "notice" as follows:—

"A person is said to have 'notice' of a fact when he actually knows that fact, or when, but for wilful abstention from inquiry which he ought to have made or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, section 229."

We would declare that all chapters and sections of the Bill which relate to contracts should be taken as part of the Contract Act, 1872. When the body of substantive civil law enacted for India is rearranged in a more compact and convenient form than that of a series of fragmentary portions from time to time passed by the legislature,* the chapters on Sale, Mortgage, Lease and Exchange, contained in the present Bill, will probably be placed in close connection with the rules contained in the Contract Act. But till then they may fitly be left in a law containing what the Contract Act does not contain, namely, general rules regulating the transmission of property between living persons.

Chapter II: Of Transfers of Immoveable Property.—We think that chapter II should be extended to transfers of property, whether moveable or immoveable; that it should be entitled "*Of Transfers of Property by act of Parties*"; and that it should commence with two sections,—one defining "transfer," the other showing what may be transferred. The latter section should, we think, to some extent follow the analogy of the Code of Civil Procedure, section 266, clauses (e), (g), (h) and (k), as to property which may be attached.† We also think that this chapter should contain a section declaring that a transfer may be made without writing in every case in which a writing is not expressly required by law.

The Law Commissioners, by whom the original draft of this Bill was framed, observed that their chief object was to bring the rules which regulate the transmission of property between living persons into harmony with the rules affecting its devolution upon death, and thus to furnish the necessary complement of the work which they commenced in framing the law of Succession. With this view they inserted rules that conditions in restraint of alienation should be void; that conditions making an interest to cease on insol-

* This, we understand, is all that was intended by the Government of India in paragraph 18 of its Legislative despatch No. 344 dated 10th May, 1877, by the phrase "scientifically arranging the various chapters of the Civil Code thus produced"; and some such rearrangement was contemplated by the late Indian Law Commissioners, who observe in their Sixth Report, referring to their rules relating to the transfer of property: "It is probable that several of these rules will eventually find a different place whenever a final distribution and rearrangement of the whole law shall have been effected; but some blending of subjects is unavoidable in a work which the Government has, for sufficient reasons, instructed us to submit to it in portions, as each portion is completed."

† In view of the more general prohibition that no transfer can be made which is opposed to the nature of the interest affected thereby, Sir Charles Turner thinks it unnecessary to declare that "a strictly personal right," &c., cannot be transferred.

On the Transfer of Property Bill.

veny or attempted alienation should also be void; that restrictions should be placed on the power of tying up property by transactions *inter vivos*, similar to those imposed by the Indian Succession Act, sections 100 to 104, in the case of wills. They also proposed rules as to when certain interests created by transactions *inter vivos* should be deemed vested. And they applied, *mutatis mutandis*, to transfers the rules of the Succession Act as to contingent bequests, conditional bequests and bequests with directions as to application and enjoyment. It seems to us that, subject to the following remarks, these rules are in themselves reasonable, and may properly be extended to the transactions *inter vivos* of all the inhabitants of India, whether they are or are not subject to the Succession Act. But as to the rule corresponding with section 100 of the Succession Act, Sir Charles Turner and Mr. West think that the law should be modified so as not to exclude the unborn beneficiary in the case supposed, but to make void any limitation beyond his interest. As to the rule corresponding with section 102 of the Succession Act, they think that, where distinct interests are given to persons as members of a class, which interests are ascertainable within the term prescribed by the rule against perpetuity, those interests should not fail by reason of other interests failing through the operation of that rule; and as to the rule corresponding with section 103 of the Succession Act, they think that, where an intermediate interest fails, the subsequent interest should not fail, if it is ascertained and vested immediately on the death of the specified persons who were living at the time of the transferor's death. Mr. Stokes is averse to making any of the modifications thus suggested. As to the rule prohibiting accumulation, we all should prefer the more liberal enactments of the Thellusson Act (39 & 40 Geo. III, c. 98), which allow an accumulation for twenty-one years, and do not affect provisions for payment of debts or for raising portions.* But as the rule embodied in the Succession Act, section 104, has now been in force for fourteen years, Mr. Stokes and Mr. West do not press its alteration. The Law Commissioners also proposed to extend to transactions *inter vivos* the rules as to election contained in Part XXVII of the Succession Act. We think that these rules also, founded as they are on principles of equity which are universally applicable, may also properly be inserted in the Bill.

We think provision should be made for the satisfaction of a right arising in favour of several persons, where, in consequence of a transfer, property is divided, and held in several shares; and we have framed a section with this object. Mr. West is of opinion that a corresponding rule is necessary for the case of a division of the property burdened with an obligation, and that the rules should apply in all cases of legal division.

Section 7 of the Bill treats of the title which the transferor of immoveable property can confer, and of the protection given to innocent transferees for value. We think that this matter should be dealt with in more detail, and have accordingly framed sections in substitution, providing for each of the following five cases:—

(1) where there is a transfer for consideration by a person, such as a Hindú widow, authorized only under circumstances in their nature variable to dispose of immoveable property;

(2) where a third person has a right to receive maintenance from the profits of immoveable property and such right does not amount to a charge;

(3) where, for the more beneficial enjoyment of his own immoveable property, a third person has, independently of any interest in the immoveable property of another, a right to restrain the enjoyment of the latter property;

(4) where a third person is entitled to the benefit of an obligation arising out of a contract and annexed to the ownership of immoveable property, but not amounting to an interest or easement; and

(5) where a person holds immoveable property as its ostensible owner with the consent of the other persons interested therein.

We recommend, too, that the Bill should here provide for the following cases:—

(a) where a person, erroneously representing that he is authorized to

* Sir Charles Turner would also urge that these enactments are frequently required by the circumstances of large zamindari properties.

transfer certain immoveable property, assumes to transfer it for consideration and afterwards acquires an interest therein; On
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(b) where a transfer of immoveable property is made for consideration by persons having distinct interests therein;

(c) where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors;

(d) where a person creates, by transfer at different times, rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together. Mr. West thinks that the rule dealing with this case should be supplemented by a rule providing for the satisfaction of each later created interest to the fullest extent compatible with the rule of priority and for such adjustments as may further this object.

It seems to us that a clause resembling Act XI of 1855, section 2, which provides, in cases to which the English law is applicable, for improvements of immoveable property made by *bonâ fide* transferees who are subsequently evicted, may fitly be introduced into the Bill and applied to all persons in British India. We think, too, that such transferees should be allowed to remove growing crops which they have planted or sown on the property.

We think that the section (10) relating to transfers of land *pendente lite* should not forbid such transfers when made under the authority of the Court and on such terms as it may impose, and that the section (10A) relating to fraudulent transfers may properly be extended to cases of fraudulent forfeitures and to cases where the persons defrauded are co-owners or creditors.

Chapter III: Of Sales of Immoveable Property.—We think that “sale” should be defined as a transfer of ownership in exchange for a price paid or promised, or part-paid and part-promised. We entirely agree with Sir Henry Maine as to the desirability of rendering the system of transfer of immoveable property a system of public transfer. But we must remember that, in the absence of a much larger number of registration-offices that at present exist in India, the requirement of registration in the case of every petty transaction relating to land would be an intolerable hardship. We have in this matter been guided by the analogy of the Indian Registration Act (III of 1877, section 17), and required that sale should be made in the case of immoveable property of the value of Rs. 100 and upwards only, by a registered assurance, but that, in the case of immoveable property of a less value, it may be made either by registered assurance or by delivery of the property. As to delivery, we think it will be enough to say that it takes place, in the case of a reversion or other intangible thing, when the parties consent to the delivery: and in the case of other immoveable property, when the seller places the buyer, or such person as he directs, in possession of the property.

The rights and liabilities of the seller and buyer may, we think, be conveniently classified as follows:—(a) duties of seller; (b) rights of seller; (c) duties of buyer; (d) rights of buyer, and according to that phase in each case which is the more prominent in practice. In addition to the duties which the Bill (section 12) imposes on the seller, and which are generally recognised by the Courts, we think that, when the property is, or forms part of, a revenue-paying estate, he should be bound to present an application to the proper officer for the requisite alteration of the revenue-register;* that between the date of the contract of sale and the delivery of the property, he should take due care of the property and the title-deeds in his possession; that, on being so required, he should give the buyer, or such person as he directs, such possession of the property as its nature admits, and that he should pay all public charges and rent accrued due in respect of the property up to the date of sale. As to his duty regarding incumbrances on the property sold, we conceive that it will be in accordance with what is generally understood to be the law throughout India merely to require the seller, in the absence of a contract to the contrary, to pay the interest due on the date of sale, and, where the property is sold free from incumbrances, to discharge all incumbrances thereon then existing. As to the implied contracts of a seller, we think it will be enough to provide that

* In practice (according to Sir Charles Turner) the consideration-money is hardly ever fully paid until the seller has presented such an application.

ns- he shall be deemed to contract that the interest which he assumes to transfer to the buyer subsists, and that he has power to transfer the same; provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract to the like effect so far only as his knowledge extends.

As to the buyer's duties, we would require him, in addition to the duties expressly imposed by the Bill (sections 12, 15, 16), to pay or tender, at the time and place of completing the transfer, the purchase-money to the seller or such person as he directs. Power to retain out of the purchase-money the amount of the incumbrances should, we think, be given to the buyer only when the property is sold free of incumbrances. We would expressly require the buyer to re-transfer the property when the ownership thereof has passed to him before payment of the purchase-money, and he fails to pay or tender it. We also think that, where the ownership of the property has passed to the buyer, he should, as between himself and the seller, be expressly bound to pay all public charges which may become due in respect of the property, the principal-money due on the incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

Chapter IV: Mortgages of Immoveable Property and Charges.—The objection raised by one eminent critic, that this chapter deals "with matters which do not transfer property, but only create a charge upon it" is one which seems to us to rest on an assumption that a transfer must of necessity extend to the whole property or interest of the transferor in the subject-matter of the transaction. We, considering ownership as generally divisible, have regarded the term "transfer" as properly applicable to any interest carved out of the aggregate called "ownership." This is consistent with the English law. "A security," says Mr. Fisher in his work on Mortgages, "is a redeemable estate or right which one person has in the property of another."

We think that the definitions of the four chief kinds of mortgage with which this chapter commences, and which were taken from Mr. Macpherson's well-known work, require some modification to adapt them to the various parts of India. Mr. West is of opinion that the words 'without delivering possession' in the definition of 'mortgage by conditional sale' are not essential, and are opposed to a common practice in the Bombay Presidency. Sir Charles Turner considers that transfer of possession is not of the essence of such mortgages, although they are very generally combined with transfer of possession and usufructuary provisions.

We are of opinion that writing and registration should be compulsory whenever the principal-money secured is one hundred rupees and upwards: when the principal is less than that sum and the property is not delivered, we would also require registration; and in all such cases we think the mortgagor, on payment of the amount remaining due, should be entitled to require the mortgagee to register an acknowledgment that any right in derogation of the interest transferred to him has been extinguished. The requirement of registration will not only discourage fraud and facilitate investigations of title, it will also preclude some difficult questions as to priority.

Mr. West would introduce a provision in the section treating of the right to redeem, to the effect that, if the time fixed for repayment of the mortgage-money has been allowed to pass, or if no time has been fixed, the mortgagee should be entitled to reasonable notice before payment. Mr. Stokes and Sir C. Turner are opposed to this provision as unsuited to India. In mortgages for considerable sums the parties would sufficiently protect themselves: in the far more numerous cases of mortgages for small sums to *saukârs*, it would be inconvenient to require notice.

We think that a person interested in a share only of the mortgaged property should be entitled to redeem his own share only where the mortgagee, or, if there are several mortgagees, all of them, has or have acquired a share in the right to redeem.

The section (61) of the revised draft, declaring the right of an usufructuary mortgagor to recover possession, should, in Sir Charles Turner's opinion, enable him to do so—

where the profits are to be applied in payment of interest at a rate agreed or prescribed by law and then in reduction of principal—when the mortgagor pays or tenders

to the mortgagee, or deposits in Court as hereinafter provided, the sum then due ^C thereon;

where the profits are to be taken in lieu of interest and no time is specified for redemption; or where the profits are to be so taken and the mortgage is made for a term of years, but it was not the intention of the parties that redemption should be postponed to the expiry of the term—when the sum then due on the mortgage is paid, tendered or deposited as aforesaid;

where the profits are to be taken in lieu of interest and the mortgage is made for a term, and it was the intention of the parties that redemption should not be allowed before the expiry of the term—when, after the expiry of the term, the sum then due on the mortgage is paid, tendered or deposited as aforesaid.

Explanation.—It is not necessarily to be concluded from the circumstance that a mortgage is expressed to be made for a term of years that it was the intention of the parties that redemption should not be allowed before the expiry of the term. The contrary intention may be declared by, or inferred from, other stipulations of the contract.

The case where accessions to mortgaged property have been acquired at the cost of the mortgagee should, we think, be provided for.

As the law stands, there is no implied contract on the part of the borrower to produce a security of any particular degree of safety, or any particular title, as in the case of a contract for sale. The implied contracts of the mortgagor should, therefore, in our opinion, be that the interest which he assumes to transfer subsists, and that he has power to transfer the same; that the mortgagor will defend, or, if the mortgagee is in possession, enable him to defend, the mortgagor's title to the mortgaged property; that where the mortgage is a second or subsequent incumbrance, the mortgagor will pay the interest accruing due on each prior incumbrance and at the proper time discharge the principal due thereon. There should also be, in the case of mortgaged leasehold, the stipulations specified in the Bill (section 24) as to payment of rent, performance of conditions, observance of contracts and indemnity.

For the section (27) treating of waste by a mortgagor in possession, Mr. West would substitute the following: "A mortgagor must not by any act or wilful omission destroy, or materially impair the value of, the mortgaged property or his interest therein as a security for the mortgage-money."

We recommend the omission of the section (28) requiring certain notices to be given by mortgagors making, or proposing to make, second and other subsequent mortgages. This provision (which was inserted by the Select Committee to which the Bill was referred) is a novelty, and does not seem to us likely to be of any practical use.

Section 34, expressing the present rule in the case of a mortgage by conditional sale, treats the mortgagee as having no remedy against the mortgagor personally, except in certain specified cases. Mr. West would substitute the following: "A mortgagee may sue a mortgagor for mortgage-money which has become payable in all cases except those wherein a personal liability has been excluded by express contract or by the nature of the mortgage."

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed, or the security is rendered insufficient, the mortgagee should, we think, be entitled to require the mortgagor to give him within a reasonable time another sufficient security for his debt, and if the mortgagor fails to do so, to sue him for the mortgage-money.

We think that a mortgagee interested in part only of the mortgage-money should not be precluded from suing for a partial foreclosure where the mortgagees have, with the consent of the mortgagor, severed their interests under the mortgage.

We would modify section 35 so as to allow powers of sale in all cases where the principal-money originally secured is five hundred rupees or upwards. They save litigation and expense. Their validity has been recognised in many parts of India. Moreover, interference with freedom of contract is *prima facie* undesirable, and it is, in our opinion, only in small transactions, where the mortgagor is generally poor and ignorant, that any real danger exists as to the misuse of such powers. In some cases the mortgagor obtains money on easier terms by conferring a power of sale on the mortgagee, and the power is usually, and not unreasonably, inserted in mortgages to agents of indigo, coffee and similar estates, where the value of the security might be considerably impaired,

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were the property neglected while the mortgagee was seeking a sale by order of Court.*

Where the receipts from the mortgaged property are to be taken in lieu of interest, or of interest and defined portions of the principal, we do not think that a mortgagee in possession should be bound to collect the rents and profits and to repair.

The section (45) relating to mortgages made to secure the balance of a running account and expressing the maximum secured should, we think, be extended to mortgages to secure future advances and the performance of engagements.

We think that the Court should not postpone the day appointed for payment in a foreclosure-suit unless sufficient security is given as well as good cause shown, and we would modify section 50 so as to enable it to require such security.

The power conferred on a Court to order, in a foreclosure-suit, a sale in lieu of foreclosure, at the instance of the mortgagee, or at the instance of the mortgagor furnishing security for any balance which may remain unsatisfied by the proceeds of the sale, will be novel throughout the greater part of the Mufassal.* But it seems to us expedient for the mortgagor that the Court should possess this power, and that where the sale takes place at the instance of the mortgagee, he should not be allowed to recover any balance which he could not have recovered in the event of foreclosure, and that where the sale takes place at the instance of the mortgagor, the mortgagee obtains all that he is entitled to, if he receives his principal-money and interest.

Where a decree has been made for redemption, if the amount due is not paid on the day fixed by the Court, the plaintiff, where the mortgage is simple or usufructuary, should not be foreclosed, nor, where the mortgage is by conditional sale, should the property be sold.

Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, we think that he should be declared entitled to a charge on the share of each of the other co-mortgagors in the property, for his proportion of the costs properly incurred in so redeeming and obtaining possession. A decision of the late Sadr Court, North-Western Provinces, is to this effect. The High Court of Bombay also has ruled that the purchaser of the interest of one of several co-sharers in an equity of redemption may redeem the whole property and hold it subject to the rights on contribution of the other co-sharers.

The Bill should, Mr. Stokes and Sir Charles Turner think, provide separately for the rights and liabilities which arise where two or more forms of mortgage are combined.

Mr. Stokes would insert the following:—

“ 97. Where a simple mortgagee is, under the contract of mortgage, entitled as lessee or otherwise to receive the rents and profits accruing from the mortgaged property, such rents and profits shall, in the absence of a contract to the contrary, be credited to the mortgagor against the interest of the principal-money, and if they exceed the amount due in respect of interest, against the principal-money also. In other respects the rights and liabilities of the parties are the same as if the mortgage were purely simple.

Where a mortgagee by conditional sale is, under the contract of mortgage, entitled as lessee or otherwise to receive the rents and profits accruing from the mortgaged property, the rights and liabilities of the parties are, up to the date on which the principal-money has become payable, the same as if the mortgage were purely usufructuary, and from and after that date the same as if the mortgage were purely by conditional sale.”

Sir Charles Turner thinks that it would be enough to insert a simple declaration that the mortgagee and mortgagor have respectively the same rights and liabilities as are declared to be created in each of the several forms so combined, so far as such rights and liabilities are consistent with the mortgagee's availing himself of any of his remedies. Mr. West thinks that the general provisions of the Bill sufficiently cover this matter.

* But see, as to the Presidency of Bombay, Bombay Regulation V of 1827, *ad finem*.

There is a common practice on the part of mortgagees of suing their mortgagors on the debt as such, and in execution selling the mortgagor's interest in the property. This is purchased by strangers to the mortgage, who are thus virtually defrauded by an enforcement of the security, of the existence of which they were wholly ignorant. In order to check this practice, we have framed a section providing that, where a mortgagee, in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches and brings to sale the mortgaged property, or the mortgagor's interest therein, his security shall be extinguished unless before the issue of the proclamation under the Civil Procedure Code, section 287, he gives notice thereof to the Court executing the decree.

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We concur with the late Law Commissioners in thinking that mortgage by deposit of title-deeds should not be recognized. It is now hardly known in the Mufassal. It is opposed to the policy of our registration-law: it leads to evasions of the stamp-duty; and it is at variance with the principle of making the system of transfer of immoveable property as far as possible a system of public transfer. When the amount secured is Rs. 100 or upwards, it would also be inconsistent with our proposed rule requiring a written instrument.

The section (64) relating to the merger of charges is, in the opinion of Mr. Stokes and Sir C. Turner, in exact accordance with the English and Indian decisions on the subject. Mr. West would substitute the following: "The holder of one of two or more incumbrances may purchase another, or the property subject thereto, and hold the same with his original incumbrance as separate interests."

For section 54 (as to the right to recover a balance due on a mortgage) Sir Charles Turner would substitute the following:—

"Where the nett proceeds of any such sale are insufficient to pay the amount due for the time being on the mortgage, together with the costs, if any, awarded to the mortgagee by the decree or in execution thereof, he may recover such balance and costs—

if the sale has been made in a suit for foreclosure, under the last paragraph of section 87, in execution of the decree, by enforcing the security; and if such security is a bond, with sureties, both against such sureties and the principal:

in any case, if under the contract the mortgagee was entitled to any other remedy for the recovery of the mortgage-debt in addition to a sale of the property sold, and such other remedy has been claimed and decreed in execution of the decree; but

if such other remedy has not been claimed and decreed, then by subsequent suit, unless he has by release or abandonment or otherwise lost such other remedy, or the suit is barred by limitation."

Lastly, we all think that the Bill should contain provisions as to serving notices, and making or accepting tenders and deposits, under this chapter, when the person concerned is non-resident, or unknown, or incompetent to contract. These provisions (which will be found in the revised Bill, ss. 101, 102) are novel; but they are suggested by difficulties which have occurred in practice. Mr. West is of opinion that the following principles should be explicitly set forth: (1) a transaction in any guise, the real intent of which is to make property a security for a continuing debt, is to be deemed a mortgage; (2) an unreasonable restriction on redemption is void; (3) time specified is not of the essence of the transaction for either party. Mr. Stokes and Sir Charles Turner consider that it may be left to the Courts to determine in each instance what is the nature of a transaction, and whether time is of its essence, and that it would be inexpedient to do more, in respect of restrictions on redemption, than to give effect to the intention of the parties when it can be collected from the contract.

Chapter V: Of Leases of Immoveable Property.—A high authority objects to this chapter in that it deals "with matters which do not transfer property, but only create a limited interest in it." This is not, we venture to think, in accordance with either English or Indian law. The lessor not only creates, but conveys, an interest in the property concerned. We conceive, and have defined, a lease to be a transfer of a right to enjoy specified immoveable property, made in consideration of a premium or a rent. Such a right is "property," and the present chapter, therefore, in our opinion, rightly falls within the scope of a Bill entitled "The Transfer of Property Act."

On the Transfer of Property Bill.

We would require all leases from year to year, or for any term exceeding one year, or reserving a yearly rent, to be made by registered assurance. This agrees with the rule in the Registration Act (III of 1877), section 17, save that it omits the power given by that Act to the Local Government to exempt leases for terms not exceeding five years and for annual rents not exceeding fifty rupees. It is hardly necessary to point out that it also carries out the policy above referred to, of rendering the system of transferring immoveable property as far as possible a system of public transfer.

As to the respective rights and liabilities of the lessor and lessee, we would expressly recognize the right to distrain, subject to the local law relating to distresses. We think that the lessor's implied contract for quiet enjoyment should not in India be limited to the acts of the lessor or his transferees, or any person claiming through him or them. Where any material part of the property leased is by *vis major* destroyed or rendered substantially and permanently unfit for the purpose for which it was let, we recommend that the lessee should have the option of treating the lease as void. The lessee should, we think, in the absence of a contract or local usage to the contrary, be bound to make good only such defects as have been caused by his own act or default.

As to the effect of a surrender on an under-lease, we think that when the under-lease has been granted on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease, the under-lease should not be prejudiced. Mr. West thinks that the original lessor ought to be guarded against loss through sub-leases at reduced rents, and that sub-lessees willing to make good the terms of the original lease should be guarded against loss by any wilful forfeiture.

Mr. West would extend the section (73) relating to relief against forfeiture for non-payment of rent to all cases free from fraud and wilful neglect and reparable by damages.

Local legislation as to the relations of zamíndár and raiyat being so copious and elaborate, we think that the provisions of this chapter should not apply to leases for agricultural purposes, except in so far as the Local Government may declare all or any of such provisions to be so applicable, together with, or subject to, those of any local law for the time being in force.

Chapter VI: Of Exchanges.—This chapter will supply a distinct defect in the Contract Act. We would define "Exchange," not as an agreement, but as the fulfilment of an agreement by mutual transfer of dominion, and accordingly make the first section of this chapter run thus:—

"When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an 'exchange.'"

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale."

The effect of this will be to render a registered assurance necessary in the case of an exchange of land worth one hundred rupees or upwards. Here again we have borne in mind the expediency of rendering the system of transfer of immoveable property as far as possible a system of public transfer.

We think the clause (section 77) relating to the right of a party evicted from a thing received in exchange should be made subject to a contract to the contrary.

In accordance with the suggestion of a distinguished Native lawyer, Srínivása Rao, we recommend the insertion here of a chapter on Gift *inter vivos*, saving of course the rules of Muhammadan law on this subject. We have framed some sections on this subject which will be found in chapter VII of the revised draft of the Transfer of Property Bill annexed to this Report. They define "gift": they show how a transfer must be effected for the purpose of making a gift (a) of immoveable property and (b) of moveable property: they require registration in the case of gifts of immoveable property of whatever value (Act III of 1877, section 17, clause a), and in the case of gifts of moveables, whenever the property given is not delivered: they provide a rule as to the effect of giving benefits to the persons attesting gifts of land: they declare that a gift comprising both existing and future property is void as to the latter, and that a gift of a divisible thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had

he accepted it. They show when a gift may be suspended or revoked. They exempt the donor from warranty. They deal, finally, with onerous and with universal gifts. Gifts of one's whole property to a relation or friend are not uncommon before an execution or in anticipation of insolvency. For such cases of fraud section 53 of the revised Bill would provide when the property is land. But an universal gift may conceivably be honest and comprise moveable property. It should therefore, we think, be specially provided for.

Of these provisions it may be said, generally, that some have not hitherto been declared by the legislature or the Courts; but they proceed on principles already recognized. The rule declaring an universal donee liable personally for the donor's debts due at the time of the gift to the extent of the property given is not only obviously equitable but is, as we have said, required to meet a not uncommon fraud. It is also in conformity with Hindú law.

Chapter VII: Of Transfers of Debts.—We think that this chapter should be entitled "Of Transfers of Actionable Claims," and that its provisions as to charges on debts and beneficial interests in moveable property should be omitted. We would provide rules as to the application and extent of the warranty of the solvency of a debtor. We think that in India it would be expedient to declare that, as a rule, when an actionable claim is sold, he against whom it is claimed is discharged by paying the buyer the price and incidental expenses of the sale with interest from the date of payment. Lastly, we think that no judge, pleader or other officer connected with Courts of justice should be capable of buying any actionable claim falling under the jurisdiction of the Court in which he exercises his functions.

We have inserted in the repealing schedule the Statute of Uses (27 Hen. VIII, c. 10). It has no operation in the Mufassal; and in the Presidency-towns it will be inconsistent with the provisions of section 8 of the Bill as now revised.

We annex to this Report a copy (marked A) of the Bill as we have revised it.

3.—THE ALLUVION BILL.

This Bill, introduced into the Council of the Governor General on the 2nd October, 1878, has been settled by a Select Committee comprising amongst its members the Hon'ble Messrs. Evans, Thompson, Colvin, Cockerell and Thornton.

We think that this Bill should save local customs, not only in the Panjáb, but in all other territories to which it is to apply. At the same time, seeing that customs, such as *dhárdhúra*, have in a measure survived the existence of the circumstances which made them reasonable, we are of opinion that the Bill should enable all persons whose interests as riparian owners are likely to be affected by custom in any particular place, by consent to abolish the custom and place themselves under the operation of the general law. This might be effected by a registered instrument.

We would omit the definition of "owner." The Courts may safely be trusted to determine who in a given case is the riparian owner.

We would omit the first of the three definitions of "thread of the stream."

In other respects we regret that we have been unable to come to an agreement regarding this Bill. Subject to the amendments just specified and those next hereinafter mentioned, Mr. Stokes approves of the Bill as settled by the Select Committee.

He thinks that each of the provisos to sections 4 and 7 should run thus:—

"Provided that, where the land or any portion thereof forms on a site which is proved to belong to a private owner, such owner is entitled to the land or portion so formed."

This expresses the rule in the case of *Lopez v. Muddun Thakur*, and reverts, substantially, to the wording of the Bill as introduced to the Legislative Council. To save the rights of Government as is done by the Bill as amended by the Committee would, as appears to him, render sections 4 and 7 altogether imperative.

in the Allu-
Bill.

He agrees with the Bombay Government and Mr. Justice Mutusámi Ayyar, that islands formed in the sea should in all cases belong to the Crown.

He thinks that, where any question arises as to the division of lands under section 4 or section 6, an appeal should be given to the Civil Courts.

For the reasons given by Mr. Ibbetson in Paper No. 32, he would, in sections 7 and 9, substitute the word "bank" for the word "frontage," and for the second clause of the rule contained in section 7 he would substitute the following :—

"Where more than one such normal can be drawn from one and the same end of any bank, and each of such normals is of different length, the shortest of such normals shall be deemed to be the including line; and where more than one of such normals, being of equal length, can be so drawn, and there is no shorter normal, the line bisecting the angle between the extreme positions of the shortest normal shall be deemed to be the including line."

He agrees with the Panjáb Government in thinking that this rule might usefully be illustrated by diagrams.

Sir Charles Turner considers that the Bill as settled by the Select Committee is defective, and where it alters, does not always improve, the law obtaining in the Presidency of Fort William. He thinks rules for the guidance of the Courts should be framed in the simplest terms, and that instances of imperceptible accretion are so rare in a land of tropical rain that they may be left to be dealt with by the Courts on a general principle sufficiently understood. He agrees that all islands formed in the sea should be declared the property of Government, but believes they will be more speedily utilized if, when connected by a ford with a shore, they are given to the owner of the shore. He would reframe the bulk of the Bill as follows :—

"Shortest ford" and "nearest land" mean respectively the ford which is shortest, and the land which is nearest, when the water is at its average height, neither swollen by flood nor shrunk by drought.

Where, under the provisions of this Act, land has been regained by reason of ownership of the site, or acquired by reason of ownership of land contiguous with or proximate to such acquired land, every person having an interest in land superior to that of a tenant from year to year without right of occupancy, or a tenant-at-will, has in the land so regained or acquired an interest the same as, or similar to, the interest he had in the site or such other land, as the case may be; but nothing in this Act shall be construed to enlarge the interest of any person having an interest limited in its nature or duration in derogation of the interests of a superior landlord or reversioner.

* * * * *

4. Where land, owned by the Government otherwise than as part of the public waste or by a private owner, is submerged by the influx of the waters of a sea, lake or river, or where its surface is by the action of such waters carried away, and the land is rendered unfit for useful occupation, the ownership thereof continues and may be transferred by operation of law or act of parties, notwithstanding such submergence or destruction of surface; and, unless in the meantime it has been abandoned, may be asserted when, by the recession of the waters, alluvial deposit or otherwise, such land again becomes fit for useful occupation.

5. Subject to the rule declared in section 4, where, on a site forming part of the public waste, land is by any of the causes mentioned in that section rendered fit for useful occupation in any sea, lake or river,—

(a) if it be gained as an island separated from the shores or banks by a channel or channels not fordable at any points, it is the property of the Government;

(b) if it be gained as an island and the channel or channels between it and the shore or bank are fordable at any point, it belongs—

in all parts of India except the Lower and North-Western Provinces of the Presidency of Fort William in Bengal, to the Government;

in the Provinces last mentioned, to the owner of the land from which access to the island can be obtained by the ford, or, where there are more fords than one, by the shortest ford, and, as between the owners of lands from which there are fords of equal length, to such owners in equal shares;

(c) if it be gained as an increment to the shore or bank, it belongs to the owner of the land to which it is adjacent.

6. Subject to the rule declared in section 4, where, on a site not forming part of the public waste, land is by any of the causes mentioned in that section rendered fit for cultivation in a sea, lake or river—

(a) if it be gained, whether as an island or as an increment to the shore or bank and

within the ascertainable boundaries of any estate, it belongs to the owner of such estate : On the All
vion Bill.

- (b) if it be gained as an island in a sea or lake and not within the ascertainable boundaries of any estate, it belongs to the owner of the land on the shore to which it is nearest; and if different parts of it are respectively nearer to the lands of different owners, each owner is entitled to so much of the island as is nearest to his land on the shore :
- (c) if it be gained as an increment to the shore or bank of any sea or lake and is not within the ascertainable boundaries of any estate, it belongs to the owner of the land on the shore or bank to which it is adjacent :
- (d) if it be gained as an island in the bed of, or an increment to the bank of, a river and within the estate of the owner of the bank on the one side or the other, such estates being conterminous, but the boundary between them is not otherwise ascertainable, the middle thread of the stream in the season immediately before the land was formed shall be deemed to have been the boundary, and the land lying between the line occupied by the thread of the stream and each bank shall belong to the owner of such bank.

7. If land is severed by inundation, the owner retains the ownership thereof, notwithstanding such severance.

Land severed by inundation.

Abandoned river-beds.

8. Subject to the rule declared in section 4, where a river suddenly abandons its bed, the land thereby gained—

- (a) if it lies in the public waste, belongs to the Government ;
- (b) if it lies within the ascertained boundaries of an estate, to the owner of such estate ;
- (c) if it lies within the estate of the owner of the bank on the one side or the other, such estates being conterminous but the boundary is not otherwise ascertainable, the middle thread of the stream in the season preceding the abandonment of the bed shall be deemed to have been the boundary, and the land lying between the line occupied by the thread of the stream and each bank shall belong to the owner of that bank.

9. Where newly-gained land falling under the rules declared in sections 5 (c), 6 (c), 6 (d),

Division of lands falling under sections 5 (c), 6 (c), 6 (d), and 8 between different owners on the same shore or bank.

or 8 is adjacent to or lies in front of the lands of different owners on the same shore or bank, each of such owners is, as between himself and the others, entitled to the newly-gained land lying adjacent to or in front of his own land, and the newly-gained land shall be divided among such owners on such principles as appear to the Court equitable and consistent with the principle of the rule declared in this Act respecting the ownership of land so gained.

10. Where land is regained or acquired by a private owner under the provisions of this

Revenue to be assessed on lands acquired under the Act.

Notice to be given to Collector when land becomes fit for useful occupation.

Persons liable to pay revenue or entitled to engage to be deemed to have abandoned their title to the land on failure to give notice,

abandoned his title to the land.

Act and is not at the time assessed with revenue, it may be assessed as soon as it becomes fit for useful occupation; and if within three years after it has become fit for useful occupation the person liable to pay revenue for the same, or entitled to engage for the revenue payable in respect thereof, fails to inform the Collector of his readiness to pay the revenue (if any) payable in respect thereof, or to accept a settlement or engagement for such revenue, he shall be deemed to have

11. Where land is regained by a sub-proprietor or tenant under the provisions of

Dues or rent payable by sub-proprietors or tenants for lands acquired by them under section 4.

section 4, and proprietary dues or rent have not been payable by him for the site thereof while unfit for useful occupation, and he is not entitled to hold the land rent-free, he shall, in respect of the land so regained, and in proportion to its extent, pay to his immediate superior in title or landlord dues or rent—

- (a) where the rates payable by such sub-proprietor or tenant have been fixed in perpetuity—at the rates so fixed ;
- (b) where the rates have not been so fixed, but prior to the date of becoming unfit for useful occupation such sub-proprietor or tenant was entitled to hold at favourable rates—at such rates ;
- (c) and in any other cases—at such rates as are paid by sub-proprietors or tenants (as the case may be) of a similar class for land of a similar character and subject to the same conditions in the neighbourhood.

12. Where land is acquired by a sub-proprietor or tenant under the provisions of section 5

or rent payable by sub-proprietors or tenants as required under section 5 or 6.

or 6, and the site thereof is not included in his original holding, nor are proprietary dues or rent paid by him for such site, unless such holding be free, he must pay to his immediate superior in title or landlord, in respect of such newly-gained land and in proportion to its extent, dues or rent (as the case may be) at the rates due in respect of his original holding.

Allu- 13. If any sub-proprietor or tenant entitled to any land under the provisions of this Act shall for three years after the same has become fit for useful occupation fail to inform his immediate superior in title or landlord of his intention to take such land and of his readiness to pay for such land

Omission of sub-proprietor or tenant to notify intention to take land to which he is entitled under the Act.

such dues or rent as may be payable under this Act in respect thereof, he shall be deemed to have surrendered his rights thereto. Such surrender shall not defeat the title of any inferior proprietor or tenant who has given notice under this section to the person to whom he is required to give the same.

14. All land and islands formed, and all river-beds abandoned, under the circumstances mentioned in this Act and which are not by this Act declared to belong to private owners, are the property of the State, and any such land, island or abandoned river-bed which has not for three years after it has become fit for useful occupation been occupied by a person declared by this Act entitled thereto shall lapse to the Government.

15. The Local Government may for the purposes of this Act, from time to time, declare—
Power to declare season at which average height of a river shall be ascertained and where river ends and sea begins.

with reference to any river, at what season in the year, and with reference to any tidal river, at what time of the tide, the average height shall be ascertained; and with reference to any tidal river, where, for the purposes of this Act, the river shall be deemed to end and the sea to begin.

Every declaration made under this Act shall be published in the official Gazette, and have thereupon the force of law; and no such declaration shall be altered or cancelled save with the previous sanction of the Governor General in Council."

In section 11 of the Bill he would substitute, in clause (c), the word "boundaries" for "area," and the word "have" for "has;" and he would add to clause (b):—

"or, where such right has been, immediately before any alteration in the shore or bank, enjoyed, the free access of the public to the waters of a lake, sea or river, or the free passage of cart, horse or foot-traffic along the shores or banks; and such right shall subsist notwithstanding any alteration of the shore of a sea or lake, or the bank of a river, from the causes mentioned in this Act, and be exercised in such a manner as to secure to the public as far as possible the convenience theretofore enjoyed."

He would also add to clause (g)—

"where such power has been heretofore enjoyed."

Mr. West thinks the Bill should provide as follows:—

"The bed of the sea, of lakes below the ordinary dry-weather level of the water, of tidal rivers and of rivers capable of use for navigation or traffic belongs, in the absence of private interests acquired by grant or prescription, to the Government.

The bed of any other river or stream may be presumed to be the property of each riparian owner as to the space lying between his frontage and the mid-thread of the stream.

Explanations.—'Frontage' means the line described by the edge of the water at its medium height. 'Mid-thread' means the middle line between opposite frontages.

The up-stream and down-stream boundary of property in the bed is to be ascertained by drawing perpendiculars from the extremities of the frontage to the mid-thread.

Where two or more equal perpendiculars shorter than all others can be drawn, the boundary is the line bisecting the greatest angle contained by them.

Where the mid-thread is a curved line, the perpendicular lines are to be drawn to lines tangential to the curve where such perpendiculars strike the mid-thread.

The bed of a lake not being the property of Government may be presumed to belong to the riparian owners according to the following rules:—

(a) In the case of an inlet whose length landwards exceeds its breadth, the middle line between the opposite frontages is to serve as the mid-thread of a stream up to a point where the prolongation of such line to the shore equals the perpendiculars drawn to the line from the opposite frontages.

(b) Land intersected by any line drawn from such point perpendicular to the general line of the shore belongs to the owner of the frontage struck by it.

(c) Where the two rules would give different boundaries between contiguous properties, the latter is to prevail.

(d) In other cases the boundary-line between properties having contiguous frontages is the shortest line that can be drawn from the point at which they meet to the line described by the edge of the water at the ordinary dry-weather level, disregarding slight inequalities.

(e) If two or more such lines be equal, the boundary is the line bisecting the greatest angle contained between such equal lines.

(f) Where the conformation of the lake prevents the application of the foregoing methods, the boundary towards the lake of properties having contiguous frontages is a line drawn from the point where they meet so as to be continually perpendicular to the edge of the water as it recedes to the ordinary dry-weather level.

If land is severed or submerged by water, the ownership thereof and of its site, if capable

of identification, remains unchanged until expressly or impliedly abandoned, or the acquisition thereof of new rights inconsistent with such ownership. On the Alluvic

Land formed by natural causes on any site belongs to each owner thereof for his interest therein.

Exception.—Land which can be identified as belonging to a property whence it has been carried away by avulsion and cast on another may at his option be taken away by the owner of the former property.

Imperceptible accretions to riparian land, and accretions to such land to which no superior claim is asserted, belong to each owner of such land for his interest therein.

Where a river is divided into channels by an island, an owner of property in such island, having a frontage on a channel, is a riparian owner with reference to owners of contiguous properties and to owners of property on the opposite bank of the river, and, as between such owners, the dividing channel only is to be deemed the river or stream.

In the districts wherein Regulation XI of 1825 is in force, and in the districts wherein the interests, rights and duties arising from formations or diminutions of land, from the submergence of land, or from its exposure by the recession of water, are governed by any customary or other local law, such Regulation and such law shall, as to all matters provided for by the same, continue in force notwithstanding anything in this Act contained.

The owner of any property abutting on, or extending into, the sea or a river or lake may apply to the Local Government to determine by survey and enquiry the proper boundary of his property, to set up proper land-marks, and to make correct plans for the said boundary with reference to known permanent objects. One of such plans shall, when the survey has been made by the person appointed by Government, be deposited in the office of the Collector, and one shall be registered by such owner, with a declaration that his ownership extends to the boundary thereby defined. After the lapse of one year without a suit to contest their correctness, such plan and declaration shall be conclusive evidence of the boundary.

Should any person deem himself injured or likely to be injured by such proceedings he may, within one year from the registration aforesaid, bring a suit for the rectification of the boundary, which shall in such case be determined according to the result of such suit; and new plans, in case of variance, shall be deposited by the person interested in the office of the Collector, and shall be registered by such person.

Such plan shall be conclusive of the boundary as between the parties to the suit. As to other persons, it shall be conclusive, unless within one year from its registration a suit is brought for a rectification of the boundary as therein defined. To any such suit the preceding section shall apply.

The expenses of the surveys hereinbefore contemplated must be defrayed by the person calling for or requiring the same, according to such rules as the Local Government may prescribe.

The Local Government, after giving public notice, may of its own accord and at the public expense make a survey of any such boundary as aforesaid; and the plans and declaration corresponding to the result may be deposited and registered by the Collector or other officer authorized on that behalf, with the like consequences and subject to the same proceedings as in the case of a private person.

The Local Government may make rules for giving effect to this Act, which, when published in the Government Gazette, shall have the force of law.

The Local Government may appoint officers either generally or specially for carrying out the provisions of this Act.

No owner of land submerged by a (lake or) river capable of use for navigation or traffic shall be at liberty, while such land is covered with water so as to be included in the bed of the stream, to occupy or make use thereof in any way which may prevent or impede the use of such river for navigation, traffic or other usual purposes. All legal regulations as to navigation, the use of the water, and of the bed of the stream, applying to a river generally, shall apply equally to those places where it flows over land which is private as to those where it flows over public property.

A custom inconsistent with this Act shall be abrogated by disuse for twelve years, or, as to any village or town, at the request of a majority of the riparian owners with the assent of the Local Government.

Section 11, clause (a) of Bill, extended so as, when a riparian owner is entitled to alluvion in virtue of his estate, to give it to him according to (or for) his interest in such estate."

4.—THE MASTER AND SERVANT BILL.

We think that this Bill not only fills up a distinct gap in the system of Indian jurisprudence, but will tend in practice to prevent misunderstandings and consequent ill-feeling and litigation between Master and Servant; and its rules as to notice will preclude much uncertainty on the part of the Courts. We are of opinion, with Savigny (*System d. h. R. Rechts*, s. 55) and other jurists, that the law of hired service should be dealt with as part of the law of persons rather than as a branch of the general law of contract. The relation of

On the Master and Servant Bill.

master and servant, though, like marriage, it arises from contract, yet when once constituted involves rights and duties of a kind essentially different from those arising on a sale of timber or wool. They are but partially amenable to strict regulation, and the peculiar relation of the parties specializes and limits, while it justifies, a particular sanction and jurisdiction for enforcing the reciprocal duties that arise from it. We, therefore, all approve of the inclusion of the Acts empowering Magistrates to deal punitively with artisans who have received advances and with workmen employed on public works. We recommend the omission of the sections in their present form giving Magistrates jurisdiction in disputes between masters and domestic servants. They are not, in our opinion, open to the objections taken by an eminent critic; but they might, we think, have occasionally caused hardship. Sir Charles Turner would put nothing in the place of these sections. His reasons are fully stated in a note appended to this Report. But breaches of contract seem proper subjects for penal legislation when committed by persons from whom it is impossible to recover damages. For this and the other reasons given in the Statement of Objects and Reasons, Mr. Stokes and Mr. West are of opinion that selected Magistrates ought to have a summary power to enforce the servant's principal duties. The complaints should be made promptly and by the head of the household. The punitive jurisdiction should be exercised only in extreme cases, and means should be secured for an effective review. On the other hand, a domestic servant should have a simple, cheap and speedy remedy against a master who wrongfully discharges him or withholds his wages. To attain these ends, they propose the following sections:—

“22. If a domestic servant commits any of the following offences—

- Complaint by master.
- (a) wilfully and wrongfully fails to enter into his master's service,
 - (b) wilfully and wrongfully absents himself therefrom,
 - (c) wilfully disobeys any order which as a domestic servant he is bound to obey,
 - (d) does anything with the intention of causing wrongful gain or wrongful loss to his master,
 - (e) wilfully damages his master's property,
 - (f) intentionally insults, and thereby gives provocation to, any person to whom he is bound, as a domestic servant, to be respectful, intending, or knowing it to be likely, that such provocation will cause such person to break the public peace or to commit any other offence.

his master, or the person having control of his master's household, may, within fifteen days of the date on which such offence is committed, make a complaint of such offence to a Magistrate having jurisdiction in the case.*

Explanation.—Nothing is an offence under this section where the harm thereby caused, or intended to be caused, or known to be likely to be caused, is so slight that no person of ordinary sense or temper would complain of such harm.

“23. The Magistrate shall examine the complainant on oath, and if after such examination there is, in the Magistrate's opinion, no sufficient ground for proceeding, he may dismiss the complaint. But if, in the Magistrate's opinion, there is sufficient ground for believing that the servant has committed any offence mentioned in section 22, he shall issue his summons, or, if for reasons to be recorded by him it appears necessary, his warrant, for causing the servant to appear or to be brought at a certain time and place before him.

If the Magistrate convicts the servant of any offence triable under this section, he may by a certificate signed by him with his name of office, discharge the servant from the service of his master, and the master from all or any obligations to the servant. But if, in the opinion of the Magistrate, such discharge will not be a proper or adequate punishment, he may, after recording the facts proved and the grounds of his judgment, sentence the servant to imprisonment in the civil jail for a term which may extend to one month, or to fine which may extend to fifty rupees, or to both.

When the servant is a male under sixteen years of age, the Magistrate may sentence him to whipping in lieu of the fine or imprisonment aforesaid.

“24. If a master wrongfully discharges a domestic servant or fails to pay his wages for a period of more than fifteen days from the time when they become payable, the servant may, within three months of the date of such discharge or the expiration of such period, make complaint of the facts to a Magistrate having jurisdiction in the case.

The Magistrate shall examine the complainant on oath, and if after such examination there is, in the Magistrate's opinion, no sufficient ground for proceeding, he shall dismiss the complaint. But if, in the Magistrate's opinion, there is sufficient ground for believing that the master has been guilty of the act or omission complained of, he shall issue his summons for causing the master to appear at a certain time and place before him.

* He will be, in the Presidency-towns, a Presidency Magistrate, and elsewhere a Magistrate of the first or second class specially empowered by the Local Government.

If the complaint is proved, the Magistrate shall order the master to pay to the servant such sum not exceeding one hundred rupees as the Magistrate thinks reasonable compensation for such discharge or failure, together with the wages, if any, due to the servant, and, in case of non-payment of the amount so ordered to be paid, may levy the same as if it were a fine. On the and Ser Bill.

25. In the trial of cases under section 23 or section 24, the Magistrate shall be guided, in the towns of Calcutta, Madras and Bombay
by the rules contained in the Presidency Magistrates' Act, 1877, sections 114 and 237, and elsewhere by the rules regulating the trial of summons-cases. He may make such order as he thinks fit in regard to the costs of the summons or warrant.

26. If any complaint under section 22 or section 24 is, in the opinion of the Magistrate, frivolous or vexatious, the provisions of the
Code of Criminal Procedure, section 209, or (in
the said towns) of the Presidency Magistrates' Act, 1877, section 242, shall, *mutatis mutandis*, apply."

We agree with the Chief Commissioner of British Burma that the Bill should extend to the whole of British India. Where, as in Burma, most of the domestic servants come from Madras or Bengal, a law with which they were unfamiliar might be held sometimes *in terrorem* over their heads in order to make them submit to unjust treatment, and false and exaggerated reports gaining currency might seriously interfere with the supply of such servants. Provisions corresponding with Acts XIII of 1859 and IX of 1860, which confer magisterial jurisdiction over artizans and others who have received advances, and over workmen employed on public works, may now, we think, be made generally applicable. Both Acts have worked beneficially in large portions of the country. They have been tested by twenty years' experience; and, while the High Courts do their duty, they cannot be made a means of oppression. But we think that the section corresponding with Act XIII of 1859 should not extend to cases where the advance has been worked out or duly expended.

We are of opinion that the following minor changes should be made in the Bill.

We think that the clause (section 11) relating to the servant's obligation to be obedient should run thus: "He must obey all reasonable orders relating to his employment given by his master or by any person to whom the master has expressly or impliedly delegated power to give such orders."

We would omit the clause (section 11, clause 1) imposing on a domestic servant the duty, on being so required, to accompany his master to any place not more than one hundred miles from the place where he entered the service. Considering the very various classes of persons included under the expression "domestic servant," it would be impossible to frame a rule on the subject which would not often give rise to hardship; and we think the matter may properly be left to arrangement in each case.

Where a servant is disabled by illness from performing his duty, he should provide at his own expense a substitute satisfactory to his master; but this rule should not in our opinion apply where the illness arises from injury received in the course of his employment.

We would not allow a master in every case to discharge without notice a servant for habitual idleness, for being declared an insolvent, or for theft, rape or adultery while in the master's service; but we think he should have that power in the case of a single instance of the servant's intoxication or insolence, or gross negligence in the performance of his duties, and also where the master discovers that the servant has been guilty of misconduct, before or after the commencement of his service, implying a defect in character which unfits him for such service.

We would omit the two sections (14, 15) dealing respectively with the master's right to sue third persons for compensation for loss of service and with the effect of a servant's contributory negligence. They will find their proper place in the Code of Torts or Actionable Wrongs, which we think should be undertaken without delay. We would retain the section dealing with the servant's right to compensation for breach of the master's duties.

We would confine the master's obligation (section 17, clause j) to provide fellow-servants of ordinary care and reasonable skill to cases where the service is a work of danger.

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it Mr. West is of opinion that the power of moderate chastisement may properly be delegated to the masters of minor servants by their parents or guardians. It will, he thinks, save boys from sudden dismissal and loss of character at an age when remote consequences cannot be appreciated by them; it is the only kind of discipline to which young and rude natures are amenable: under section 29 of the revised Bill an apprentice is subject to chastisement; and the omission of the power, so guarded as it is, may do an injury to many Native boys by preventing masters who know what boys are from employing them. It is a discipline to which virtually every English boy in a like situation and under the like circumstances is subjected—and on the whole for his good. The instances in which boys suffer any ill usage at the hands of their employers are so rare that they may be almost excluded from consideration in framing a general rule. Mr. Stokes and Sir Charles Turner, on the other hand, consider that in this country it would be inexpedient for the legislature to sanction the employment of violence by a master on any servant.

Mr. West would expressly forbid the servant to receive, without his master's consent, any premium or commission from any other person on account of any business or transaction in which he has dealt with such person as his master's agent. The prevalence of the dishonest practice at which this rule is pointed is, in his opinion, a reason for its introduction, not for its omission.

Mr. West would extend the section (27) empowering Magistrates to deal summarily with disputes between employers and their workmen employed on public works to cases where those works are on account of a municipality. In such cases, owing to the large number of persons employed, the settlement of disputes by the ordinary civil process might, in his opinion, well occupy the whole time of the employer and bring the works to a standstill. At the same time such disputes as arise are, legally, of the simplest character. Mr. Stokes and Sir Charles Turner do not consider the proposed extension desirable. We all think that the amount awarded under this section should (as is the case under Act IX of 1860) be recoverable only by distress and sale of the defaulter's moveable property.

We doubt whether the presumption in section 6, clause (d), that artizans and workmen are hired for no specific term, is justifiable in some parts of India, and we suggest that special inquiry on this point be made of the Local Governments. We would also suggest for consideration that the Bill should contain a rule that an artizan or workman breaking off in the middle of a day should forfeit that day's wages unless hired by the hour, and that, conversely, a master dismissing an artizan or workman in the middle of the day should pay him that day's wages.

We have considered the question raised by the first draft of the Bill, as to whether a compulsory system of registering domestic servants should be introduced by imperial legislation. We are, on the whole, opposed to such introduction. It may be that in some places registration is desirable, if not absolutely necessary; but where the expediency of legislation in this direction is recognised, the end should, in our opinion, be sought by municipal regulations under local laws.

Lastly, we would repeal and re-enact, as part of the Bill, the substance of Act XIX of 1850 (*for the binding of Apprentices*). We make this recommendation partly because the subject is intimately connected with the law of Master and Servant, partly because we think it desirable that the provisions of the Apprentice Act should now be revised with reference to the changes produced by recent legislation and by the establishment in India within the last thirty years of railway-workshops, factories and steam-packet companies. We would, for example, suggest that the provisions of that Act, as to depositing contracts of apprenticeship in the Magistrate's Court or the offices of persons appointed under Act X of 1841 to register ships, might now be modified so as to require deposit in the ordinary registration-offices.

We annex to this Report a copy (marked B) of the Bill as we have revised it.

5.—THE EASEMENTS BILL.

We concur in the opinions expressed by Sir Michael Westropp, Mr. Justice Jackson and Mr. Justice Innes that it is desirable to codify the law on this subject, which is now (to quote the Chief Justice of Bombay) “for the most part to be found only in treatises and reports practically inaccessible to a large proportion of the legal profession in the Mufassal and to the subordinate judges”. We also agree with Mr. Justice Elsmie, that the frequent litigation in the case of urban easements is largely due to the fact that neither the people themselves nor the majority of the Courts understand the principles upon which such disputes should be determined.

The chief objections taken to the Bill are that, by informing people of their rights, it will provoke litigation, and that it will abolish or otherwise interfere with easements recognized only by local usage. The former objection, if valid, is an objection to all positive law declaring rights, and, in a less degree, to every decision of a Court of justice which enunciates a general rule respecting rights. But it is matter of ordinary experience that people are more prone to bring or resist claims to doubtful than to certain rights; that, in other words, litigation is promoted by doubt as to what is, and what is not, a right recognised by the Courts of justice. By its explicit declarations of the law on points now held doubtful by the people, the Bar and the Judges of the Subordinate Courts, the Bill appears to us calculated to check, rather than increase, litigation. As to the latter objection, that the Bill will interfere with local usage, we have been unable to find in the papers submitted to us a single instance of a right in the nature of an easement that would have been affected *in malam partem* by the Bill; and we strongly suspect that many of its critics have confounded rights in gross with easements properly so-called. Easements, being restrictions on the free use of property in others, are regarded with disfavour by the law; and section 7 of the Bill was accordingly framed so as to state the fact that all easements are in derogation of certain natural rights and to prevent attempts to create new kinds of easements. It enumerated the rights of one or other of which every easement must be a restriction, and thus intentionally excluded every kind of servitude not now known to the law. This, however, has been objected to on the ground that there may be in some parts of India rights not so enumerated. We admit the possibility, though not the probability, of the existence of such rights; and we recommend that section 7 should be modified as follows:—

“Easements are restrictions of one or other of the following rights (namely):—

(a) the exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same, and all products thereof and accessions thereto, as he thinks fit;

(b) the right of every owner of immoveable property (subject to any law for the time being in force) to enjoy, without disturbance by another, the natural advantages arising from its situation.

Illustrations.

(a). The exclusive right of every owner of land in a town to build thereon, subject to any municipal law for the time being in force.

(b). The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(c). The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person.

(d). The right of every owner of land to so much light and air as pass vertically thereto.

(e). The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure, and the ‘subjacent and adjacent soil’ mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition.

(f). The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through, his land, shall not, before so passing or percolating, be unreasonably polluted by other persons.

(g). The right of every owner of land to collect, and dispose within his own limits of, all water under the land and all water on its surface which does not pass in a defined channel.

(h). The right of every owner of land that the water of every natural stream which passes by, through or over, his land in a defined natural channel shall be allowed by other persons to flow within such owner’s limits without interruption and without material alteration in quantity, direction, force or temperature: the right of every owner of land abutting on a natu-

In the Easements Bill. — a natural lake or pond, into or out of which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

(i). The right of every owner of upper land, that water naturally rising in or falling on such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto.

(j). The right of every owner of land abutting on a natural stream, lake or pond, to use and consume its water for drinking, household-purposes and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners."

Should, for instance, a 'natural right' to lateral access of light or air, or to the non-diminution of the supply of fish, be hereafter established in any part of India, the section as now modified will not exclude an easement in derogation of such right. We are aware that section 7, even in its new form, may operate indirectly as a statutory recognition of various rights connected with the ownership of land. But a definite conception of these is a necessary preliminary to the codification of the law of actionable wrongs, and we see no substantial objection to inserting it for the present in a Bill dealing with restrictions of the rights in question.

We would also insert the following section:—

"19. An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

Illustrations.

"(a) By the custom of a certain village, every cultivator of village-land is entitled, as such, to graze his cattle on the common pasture. A, having bought a plot of uncultivated land in the village, breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

"(b) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house."

And to the first section of the chapter containing the rules as to the incidents of easements, we would add the following sentence: "And when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall be deemed to affect such incident."

The other amendments which we would recommend are comparatively unimportant.

We would modify the clause (section 2) saving Government-rights to regulate distribution of water, so as to avoid stating positively that the Government has such rights in the case of all rivers and streams flowing in natural channels. It is true that the preamble to the Northern India Canal and Drainage Act, 1873, contains a statement to that effect;* but the correctness of that statement is open to doubt, and in any case it applies only to the North-Western Provinces, the Panjáb, Oudh and the Central Provinces. We would extend the clause so as to save any right of Government to regulate the collection and retention of the water of such rivers and streams, and the collection, retention and distribution of water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation.

We would expressly save rights in gross possessed by the Government or public, and rights acquired or arising out of relations created before the proposed Act comes into force.

We would add to section 6 an illustration showing that an easement to restrain interference with privacy is recognised by the Bill, and is a negative easement. Such an easement, founded as it is on the oriental custom of secluding females, is of much importance in India: it is recognised generally in the countries whose system is founded on the Civil Law; and the decisions of the High Courts adverse to such a right should not, we think, be followed by the legislature.

* This preamble is identical with the preamble to Act XXX of 1871. Sir James Stephen says that he always understood that this "was one of the parts of that Act which was most strongly objected to and one of the principal causes of its being disallowed by the Secretary of State." As a matter of fact, the preamble was not objected to, and the reason of the disallowance was that the Act contained six sections (44 to 49) providing for the levy of a special water-rate on lands irrigable but not irrigated.

We think it would be well to add to the section (10) dealing with the power of lessors and mortgagors to impose easements a clause declaring that no lessee or other person having a derivative interest may impose on the property held by him as such an easement to take effect after the expiration of his own interest or in derogation of the rights of the lessor or the superior proprietor. On the E
ments Bill

For the provisions of the Bill (section 11) relating to the acquisition of easements by lessees, we would substitute the following: "No lessee of immoveable property can acquire, for the beneficial enjoyment of other immoveable property of his own, an easement in or over the property comprised in his lease."

We think that easements of necessity, strictly so-called, should be separated in section 12 from those apparent and continuous easements which arise when a transfer is made, which are necessary for enjoying the thing transferred, or other immoveable property of the transferor, as it was enjoyed when the transfer took effect.

When the person entitled to set out a way of necessity refuses or neglects to do so, we think the dominant owner should be entitled to set it out. The second paragraph of section 13 declares that a way of necessity cannot be varied save with the consent of both dominant and servient owners, or unless the servient owner renders it impassable. We have struck out this paragraph, as Mr. West thinks it opposed to Indian rural economy and convenience, on account of periodical fallows of parts of the same land, of crops sown and growing at different times, and of the great temporary changes arising from the extremes of wet and dry weather making a strict adherence to the same road in all seasons in many instances almost impossible.

In the section (15) relating to the acquisition of easements by prescription (which with the exception of the clause relating to easements of support, has been the law of the land since 1871),* we would restore the words "and as of right" to the clause dealing with the access and use of light and air. Under the English Prescription Act, a claim to an easement is defeasible if the easement can be shown to have been enjoyed by express agreement in writing, and we think that the following explanation should be inserted in the Indian law:

"Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease."

With reference to the decision in *Angus v. Dalton*, L. R. 3 Q. B. 85, we think that the following explanation might usefully be inserted:

"In the case of an easement of support, where the soil of the dominant heritage is subjected to an artificial pressure not externally apparent, or where the outward thrust of things affixed thereto is enhanced by causes not externally apparent, the said period of twenty years begins when the circumstance by which the burden on the servient heritage is increased becomes known to the servient owner."

We have struck out section 18, which declares that no right to an easement can be acquired by long and continued possession, except under section 15. It was intended to abolish prescription at common law, which has been held to exist in the Presidency-towns. But it appears to be unnecessary, and might possibly mislead in the case of rural easements special to India or to particular districts, and not included amongst those enumerated in section 15, or not readily yielding to the conditions imposed by that section.

We think that the provision (section 29) as to the extent of an easement where the dominant heritage is increased by alluvion or diminished by diluvion should run thus:

"Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased; and if the dominant heritage is diminished by diluvion, the easement is proportionately diminished."

It appears to us that the section (45) relating to the extinction of an easement by alteration of the dominant heritage should be thus worded:

* See Act No. IX of 1871, section 27 — 2 & 3 Will. IV, c. 71, secs. 2, 3.

In the Easements Bill.

“An easement is extinguished—

(a) where the dominant heritage is substantially changed and it is not proved that the easement was intended to continue annexed thereto notwithstanding such change; or

(b) where by any change in the dominant heritage, the burden on the servient heritage is materially increased and cannot be reduced to its original limits, and it is not proved that the burden was intended by the parties to be subject to increase by such change.”

As to the extinguishment of easements by non-user (section 59), we think that a distinction may properly be drawn in this respect between continuous and discontinuous easements, and that in the case of a discontinuous easement the dominant owner should be enabled to keep it alive by registering a declaration of his intention to retain it.

Though fully recognizing the propriety of the rule (section 52) that the servient owner has no right to require that an easement should be continued, we think, nevertheless, that the dominant owner ought not to be allowed to damage the servient heritage by suddenly and maliciously abandoning or suspending the easement. We recommend, then, that the rule should be, that the servient owner is not entitled to compensation for damage caused by the abandonment or suspension, if the dominant owner has given him such notice as will enable him, without unreasonable expense, to protect the servient heritage.

We think that the Bill may properly be supplemented by a chapter on Licenses, which, though mentioned in the Evidence Act, sections 116, 117, are nowhere dealt with in the body of Indian codified law; and we have framed rules on this subject which we think will be useful.

We annex to this report a copy (marked C) of the Bill as we have revised it, Mr. West, however, desiring it to be understood that the details of the measure should, in his opinion, be open to revision according to the further information which may become available to the Legislature by the time the Bill is before it.

6.—THE PRIVATE TRUSTS BILL.

In the Private Trusts Bill.

It seems to us that this Bill, especially the chapter dealing with constructive and resulting trusts, will supply a real defect in the codified law of India, and be of practical utility to the Mufassal Courts and pleaders. We have duly considered the remarks of Sir James Stephen on the ambiguity of the word “trust” as understood by English lawyers. But we are unable to agree that they constitute an argument of any weight against the Bill, or that its enactment will introduce the serious evils that he anticipates. Cases frequently arise in which in one sense there has been a trust, though not in the sense to which the Bill confines it. Pleaders having got hold of the word “trust,” then build upon it arguments drawn from the English books which may well mislead Judges who are not more than usually circumspect. This must go on until legislation regulates this branch of the law. By saying what is a “trust” and which of the relations arising from it amongst those recognized by the English Courts are to be admitted and which not, the Legislature will obviate the very evil which Sir James Stephen fears. The Courts are introducing, and from the necessities of the case must introduce, the English Law of Trusts indiscriminately, unless the law distinctly says how far they may go. Trusts created by an old man for his own maintenance and ulterior purposes, for a widow, for a daughter, stepdaughter or daughter-in-law and her children, are of pretty frequent occurrence among the Natives of India; and it is desirable to keep them free from the complication of double estates, in which without the intervention of the legislature they are certain to become entangled. We need hardly say that the system of *benāmi*, or the enjoyment of the profits of property held by another in trust for the beneficiary, was familiar to the people of India before the introduction of British rule, and in no country, owing to the extreme subdivision of immoveable property and the partition of inheritances, are constructive trusts more common. Gains made by one person at the cost of another are an every-day source of litigation: these cases must be dealt with in some way; and here, too, definite legislation will clear and simplify the law. But, apart from the Native property-holder, there is the large body of domiciled Europeans and Eurasians who have for nearly a century enjoyed and

taken advantage of a trust-law recognized by our Courts; and, now that the number and wealth of this class have increased, and every Court in the country may be called upon to administer a trust-law, the question of the advisability of its codification seems no longer open to discussion.

Chapter I: Preliminary.—We would expressly exclude from the operation of the Act private religious or charitable endowments (which may fitly be left to family or local usage); and we would declare that nothing in its second chapter (*Of the Creation of Trusts*) shall apply to trusts created before it comes into force.

To avoid the conceivable risk of confounding trusts with bailments, we recommend that the definition of “trust,” which was taken from the New York Civil Code, should be modified as follows: “A ‘trust’ is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by him, for the benefit of another, or of another and the owner.” And in order to prevent the possible introduction by pedantic lawyers of conceptions resembling the English legal estate and equitable ownership, we would define the “beneficial interest” of the beneficiary as his “right against the trustee as owner of the trust-property.” The beneficiary should, in our opinion, have no estate or interest in the subject-matter of the trust.

We think that the definitions of “passive trust,” “active trust,” “executed trust” and “executory trust” are unnecessary and should be omitted.

We would extend the definition of “notice” so as to cover cases where information is given to, or obtained by, an agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229.

Chapter II: Of the Creation of Trusts.—We would provide expressly in section 4 that, where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

We agree with the framers of the Bill as to the expediency of excluding oral declarations of trust in every case where land forms the subject-matter: but we think that the requisite written declaration may be signed by the trustee as well as by the author of the trust; and we are of opinion that, unless the trust is declared by will, or the author is himself the trustee, the property should be actually transferred. We would, therefore, make the sections relating to the declaration and creation of trusts run as follows:—

“5. No trust in relation to immoveable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or by the will of the author of the trust or the trustee.

“No trust in relation to moveable property is valid unless so declared, or unless the ownership of the property is transferred to the trustee.

“These rules do not apply where they would operate so as to effectuate a fraud.

“6. Subject to the provisions of section five, a trust is created when the author of the trust indicates with reasonable certainty, by any words or acts, (a) an intention on his part to create thereby a trust, (b) the purpose of the trust, (c) the beneficiary, and (d) the trust-property, and (unless the trust is declared by will or the author of the trust is himself to be the trustee) transfers the trust-property to the trustee.”

We would declare that the subject-matter of every trust must be property transferable to the beneficiary; and, in order to preclude the complications that would arise from allowing a trust upon a trust, we would say that the subject-matter must not be a mere beneficial interest under a subsisting trust.

We think the Bill should provide for disclaimers by proposed beneficiaries.

Chapter III: Of the Duties and Liabilities of Trustees.—In the section (11) relating to the trustee’s duty to fulfil the purpose of the trust, we would insert an explanation that the purpose of a trust for the payment of debts should, unless a contrary intention is expressed, be deemed to be to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and in the case of debts not bearing interest, to make such payment without interest.

When a beneficiary’s interest is forfeited to Government, we think that the trustee should be bound to hold the trust-property for the benefit of such person, in such manner as the Government directs.

On the Private
Trusts Bill.

Chapter IV: Of the Rights and Powers of Trustees.—We think that the prohibition (section 32) as to enforcing a trustee's charge upon the trust property for proper expenses paid out of his own pocket should not apply where the expenses have been incurred with the sanction of a principal Civil Court of original jurisdiction.

We think that the section (33) entitling the trustee to be indemnified by the gainer by a breach of trust should expressly exclude this right when the trustee has, in committing the breach, been guilty of fraud.

As to the management of the trust-property (section 36), we think that, for the purposes of the Land Improvement Act, 1871, every trustee in the actual receipt of the rents and profits of land should be deemed to be a landlord. A similar provision is contained in the English Statute 27 & 28 Vic., c. 114. We consider that, except with the permission of a principal Civil Court of original jurisdiction, no trustee should have power to lease trust-property for a term exceeding twenty-one years.

We would enable the trustee, with the permission of the Court, but no otherwise, to apply the trust-property, in whole or in part, to the advancement in life of a minor beneficiary.

Where power to deal with the trust-property is given to several trustees and one of them disclaims or dies, the Bill should, in our opinion, provide that the power may be exercised by the continuing trustees, unless, from the terms of the instrument of trust, it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

Chapter V: Of the Disabilities of Trustees.—The Bill declares (section 46) in accordance with the present law, that, where there are more trustees than one all must join in the execution of the trust, except where the instrument of trust otherwise provides. Mr. West is of opinion that the rule ought to be that, in the absence of a direction to the contrary, a majority of the trustees may act subject to control by the Court on application by the minority. We think that the section declaring that no trustee whose duty it is to sell trust-property may buy the same should be extended to the agents employed by such trustees for the purpose of the sale. Of the two alternative rules given in the Bill, as to when the trustee may buy the trust-property, we consider that printed in the text to be best adapted for India (namely):—

“No trustee, and no person who has recently ceased to be a trustee, may, without the permission of a principal Civil Court of original jurisdiction, buy or become mortgagee or lessee of the trust-property or any part thereof; and such permission shall not be given unless the purchase, mortgage or lease is manifestly for the advantage of the beneficiary.

“And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for his beneficiary may buy it or obtain a mortgage or lease of it for himself.”

Chapter VI: Of the Rights and Liabilities of the Beneficiary.—The Bill declares (section 56) that the beneficiary, if competent to contract, may transfer his interest, subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of it. Mr. West considers that the beneficiary should not be allowed to substitute a trust in favour of another for one in his own favour, without the assent of the trustee, except in the case of a passive trust.

We think that to the section (58) declaring the beneficiary's right to proper trustees, and a proper number of trustees, the following explanations may usefully be added:—

“*Explanation I.*—The following are not proper persons within the meaning of this section

“a person domiciled abroad; an alien enemy; a person having an interest inconsistent with that of the beneficiary; a person in insolvent circumstances; and, unless the personal law of the beneficiary provides otherwise, a married woman and a minor.

“*Explanation II.*—When the administration of the trust involves the receipt and custody of the money, the number of trustees should be two at least.”

With regard to the first of these explanations, we would observe that in Hindú and Muhammadan families, a minor son often succeeds to property burdened with a trust for dependent relations of his father, and a married woman is sometimes made by her father trustee for herself and her son or daughter.

Where a trustee has wrongfully bought trust-property, the beneficiary has under certain circumstances, a right to have the property declared subject to

the trust or retransferred. We think that to the section (61) embodying this rule should be added a clause saving the rights of lessces and others who, before the institution of a suit to have the property declared subject to the trust or retransferred, have contracted in good faith with the trustee or his sub-purchaser (8 B. P. C. 42), and disallowing the right to a declaration or retransfer when the beneficiary has ratified the sale to the trustee, with full knowledge of the facts of the case and of his rights as against the trustee.

On the P
Trusts

The section (62) enabling the beneficiary to follow trust-property saves transferees in good faith for consideration without notice of the trust, and a transferee for consideration (with or without notice) from such a transferee. Mr. West would also save a gratuitous transferee from a *bonâ fide* transferee for value, and a transferee *bonâ fide* for value from a volunteer.

Where the trustee wrongfully mingles trust-property with his own, we would adopt the rule given in the margin of the Bill, section 65, namely, that the beneficiary is entitled to a charge on the whole fund for the amount due to him. It accords with the decision in *Cook v. Addison*, L. R. 7 Eq. 471.

It seems to us that section 68 should be extended to the cases where one of several beneficiaries (1) knowingly obtains any advantage from a breach of trust, without the consent of the other beneficiaries, or (2) becomes aware of a breach, and either actually conceals it or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries, or has deceived the trustee and thereby induced him to commit a breach; and that in such case the other beneficiaries should be entitled to have his interest under the trust impounded.

Chapter VII:—Of Vacating the Office of Trustee.—It seems unnecessary to require a trustee desiring to be discharged by the Court to institute a suit for that purpose. It will be enough to require him to present a petition.

We think express provision should be made for the appointment of a new trustee in place of one disclaiming, or accepting an inconsistent trust. Mr. West is of opinion that, if no provision has been made by the instrument of trust, the Court only should nominate the trustee.

Chapter VIII: Of the Extinction of Trusts.—The Bill should, we think, declare that no trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust (1 Coll. 655, 659). Mr. West considers that a trust should not be allowed to be revocable except on the same terms as a gift.

Chapter IX: Certain Obligations in the Nature of a Trust.—We doubt the expediency of attempting to suppress the inveterate practice of entering into *benâmi* transactions: we would point out that in many, perhaps most, of those transactions the parties are actuated by religious or prudential, rather than fraudulent, motives; and we think that, in lieu of section 78, clause (d), and section 81, the Bill should simply declare that where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person did not intend to pay or provide the consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration.

We think that, in addition to the ten constructive trusts expressly set forth in the Bill, it should mention those that arise in the following cases:—

where a testator bequeaths certain property upon trust and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's lifetime the legatee agrees with him to apply the property for an unlawful purpose:

where property is bequeathed, and the revocation of the bequest is prevented by coercion:

where property is transferred in pursuance of a contract liable to rescission or induced by fraud or mistake:

where any person, bound in a fiduciary character to protect the interests of another, enters into any dealings under circumstances in which his own interests are or may be adverse to those of such other person, and thereby gains for himself a pecuniary advantage:

where by the exercise of undue influence any advantage is gained, in derogation of the interests of another, without consideration or with notice that such influence has been exercised:

Private Bill. where a tenant for life or other qualified owner of property, as representing all persons interested therein, gains some advantage; and, lastly, where, creditors compound the debts due to them, and one of them, by secret arrangement with the debtor, gains an undue advantage over his co-creditors.

We think that some words should be inserted to show that a resulting trust cannot be implied in evasion of any law for the time being in force (*Esop v. Yallop*, 15 Ves. 60.)

Some of the rules applied by this chapter might conceivably be held to extend to the manager as such of an undivided family. We would therefore declare that nothing contained in the Act shall be deemed to affect the mutual relations of the members of undivided families as determined by any customary or personal law.

Mr. West is of opinion that the Bill should also provide for the following matters:—

(a) the constitution of trusts for alimentary provisions and the forfeiture of the interests of persons for whom such provisions have been made:

(b) the illegality of trusts (other than trusts for payment of debts, for keeping on foot a policy of life-insurance, or for public purposes) involving an accumulation of the proceeds of trust-property for more than twenty-one years:

(c) the power of a trustee to carry on a business, at the charge and risk of the beneficiaries, so far as may be necessary in order to its liquidation:

(d) the non-effect on the trustee's transactions of slight deviations by the trustee from his duty:

(e) the liability of a trustee of his own wrong, for losses and gains as well as for the trust-property.

He would also add, either to the Bill or to the Limitation Act, appropriate sections on limitation of certain suits relating to express or constructive trusts.

We annex a copy (marked D) of the Bill as (subject to the above remarks) we have revised it.

III.

Summary of recommendations. In conclusion, we have to recapitulate briefly the specific recommendations which we have made in this report:—

(a) that the process of codifying well-marked divisions of our substantive law should continue;

(b) that the eventual combination of those divisions as parts of a single and general Code should be borne in mind;

(c) that the English law should be made the basis in a great measure of our future Codes, but that its materials should be recast rather than adopted without modification;

(d) that in recasting those materials, due regard should be had to Native habits and modes of thought; that the form which those materials should assume should, as far as possible, resemble that of rules already accepted; that, in other words, the propositions of our Codes should be broad, simple and readily intelligible;

(e) that uniformity in legislation should be aimed at, but that special and local customs should be treated considerately;

(f) that the existing law of persons should not at present be expanded by way of codification, save that the operation of the European British Minors Act, XIII of 1874, should be extended;

(g) that the laws relating respectively to negotiable instruments, to the subjects dealt with by the Transfer of Property Bill, to trusts, to alluvion, to easements, and master and servant, should be codified, and the Bills already prepared on these subjects be passed into law, subject to the amendments above suggested;

(h) that the Law of Wrongs should then be codified;

(i) that, concurrently with or after the framing of a Law of Wrongs, the laws relating to insurance, carriers and lien should be codified;

(j) that the legislature should then deal with the Law of Property in its whole extent;

A.

THE TRANSFER OF PROPERTY BILL, 1879.

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THE SCHEDULE.

A Bill to amend the law relating to the Transfer of Property by act of Parties.

[AS REVISED BY THE INDIAN LAW COMMISSION, 1879.]

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Transfer of Property Act, 1879."

Short title.

It extends to the whole of British India;

And it shall come into force on the first day of March, 1880.

2. On and from that day the enactments specified in the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof.

Repeal of Acts.

But nothing herein contained shall be deemed to affect—

(a) the provisions of any enactment not hereby expressly repealed;

Saving of certain enactments, incidents, rights, liabilities, &c.

(b) any terms or incidents of any contract or constitution of property which are consistent with the provisions of this Act and are allowed by the law for the time being in force;

(c) any right or liability arising out of a custom or personal law consistent with this Act, or out of a legal relation constituted before this Act comes into force, or any relief in respect of any such right or liability;

(d) any transfer by operation of law or by decree or order of a Court of competent jurisdiction.

3. In this Act, unless there be something repugnant in the subject or context—

Interpretation-clause.

the "ownership" of a thing is the right of one or more persons to possess and use it to the exclusion of others. Such ownership is either absolute or qualified. The thing of which there may be ownership is called "property:"

"property:"

there may be ownership is called "property:"

"assurance" means any non-testamentary instrument which purports or operates to create, transfer, or otherwise dispose of, whether in present or in future, any right, title or interest, to or in immoveable property;

"assurance:"

or otherwise dispose of, whether in present or in future, any right, title or interest, to or in immoveable property;

"registered" means registered in British India under the law for the time being in force regulating the registration of documents:

"registered:"

"attached to the earth" means—

(a) rooted in the earth, as in the case of trees and shrubs;

(b) imbedded in or permanently resting upon the earth, as in the case of walls or buildings; or

(c) attached to what is so imbedded or so rests, for the permanent beneficial enjoyment of that to which it is attached:

and a person is said to have "notice" of a fact when he actually knows that fact, or when but for wilful abstention from an inquiry which he ought to have made, or gross negligence, he would have known it or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, section 229.

"notice."

4. The chapters and sections of this Act which relate to contracts shall be taken as part of the Indian Contract Act, 1872.

Enactments relating to contracts to be taken as part of Act IX of 1872.

CHAPTER II.

OF TRANSFERS OF PROPERTY BY ACT OF PARTIES.

(1).—*Transfer of Property, whether moveable or immoveable.*

5. In the following sections "transfer" means an act by which one living person conveys to another, or to himself and another, in present or in future, the ownership of property or an interest therein, and "to transfer" is to perform such act.

"Transfer" defined.

6. The ownership of property of any kind may be transferred, except as otherwise provided by this section or by any other law for the time being in force:—

What may be transferred.

(a) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other merely contingent or possible right or interest, cannot be transferred to any one except the present or future owner or co-owner of the property affected thereby,

(b) A mere right of re-entry for breach of a condition subsequent cannot be transferred to any one except the owner of the property affected thereby.

(c) An easement cannot be transferred otherwise than by release to the owner of the servient heritage.

(d) An interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.

(e) A mere right to sue for compensation for a

THE TRANSFER OF PROPERTY BILL.

fraud or for harm illegally caused to body, mind or reputation cannot be transferred,

(f) A public office cannot be transferred, nor can the salary of a public officer whether before or after it has become payable.

(g) Stipends allowed to military and civil pensioners of Government and political pensioners cannot be transferred.

(h) No transfer can be made (1) in so far as it is opposed to the nature of the interest affected thereby, or (2) for an illegal purpose, or (3) to a person legally disqualified to be transferee.

7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property not his own, is competent to transfer such property either wholly or in part, and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law for the time being in force.

8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in such property, and in the legal incidents thereof.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the moveable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor, but not arrears of interest accrued before the transfer;

and, where the property is money or other property yielding income, the interest or income thereof accruing after the ownership passes.

9. A transfer may be made without writing in every case in which a writing is not expressly required by law.

10. Where a transfer is subject to a condition Condition restraining or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property transferred, the condition or limitation is void except in the case of a lease where the condition is for the benefit of the lessor or those claiming under him: provided that property may be transferred to or for the benefit of a married woman, so that she shall not have power to part with the same or her beneficial interest therein.

11. Where on a transfer of property an interest Restriction repugnant is created in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed in a particular manner, he shall be entitled to receive and dispose of such interest as if there were no such direction.

Nothing in this section shall be deemed to affect the right to restrain, for the beneficial enjoyment of one piece of immoveable property, the enjoyment of another piece of such property, or to compel the enjoyment thereof in a particular manner.

12. Where property is transferred subject to a Condition making interest determinable on insolvency or attempted alienation. condition or limitation making any interest therein reserved or given to or for the benefit of any person to cease on his becoming insolvent or endeavouring to transfer or dispose of the same, such condition or limitation is void.

Nothing in this section applies to a condition in a lease for the benefit of the lessor or those claiming under him.

13. Where on a transfer of property an interest is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect, unless it extends to the whole of the remaining interest of the transferor in the property.

Illustration.

A transfers property of which he is the owner to B in trust for A and his intended wife successively for their lives, and after the death of the survivor for the eldest son of the intended marriage for life, and after his death for his second son. The interest so created for the benefit of the eldest son does not take effect, because it does not extend to the whole of A's remaining interest in the property.

14. No transfer can operate to create an interest which is to take effect after the life-time of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong.

15. If on a transfer of property an interest is created for the benefit of a class of persons with regard to some of whom such interest fails by reason of any of the rules contained in sections thirteen and fourteen, such interest fails as regards the whole class.

16. Where an interest fails by reason of any of the rules contained in sections thirteen, fourteen and fifteen, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

17. The restrictions in sections fourteen, fifteen and sixteen shall not apply to property transferred for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety or any other object beneficial to mankind.

18. Where the terms of a transfer of property direct that the income arising therefrom shall be accumulated, such direction shall be void, and the property shall be disposed of as if no accumulation had been directed.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the date of the transfer, the direction shall be valid in respect only of the income arising from the property within one year next following such date; and at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

19. Where on a transfer of property and interest is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect forthwith or on the happening of an event which must happen, such interest is vested, unless a contrary intention appears from the terms of the transfer.

A vested interest is not defeated by the death of the transferee before he obtains possession.

Explanation.—An intention that an interest shall not be vested is not to be inferred merely from a provision whereby the enjoyment thereof is postponed, or whereby a prior interest in the same property is given or reserved to some other person, or whereby income arising from the property is directed to be accumulated until the time of enjoyment arrives, or from a provision that if a particular event shall happen the interest shall pass to another person.

20. Where, on a transfer of property, an interest is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention appear from the terms of the transfer, a vested interest, although he may not be entitled to the enjoyment thereof immediately on his birth.

21. Where, on a transfer of property, an interest is created in favour of a person to take effect only on the happening of a specified uncertain event, or if a specified uncertain event shall not happen, such person thereby acquires a contingent interest in the property. Such interest becomes a vested interest, in the former case, on the happening of the event, in the latter, when the happening of the event becomes impossible.

Exception.—Where under a transfer a person becomes entitled to an interest in property upon attaining a particular age, and the transferor also

gives to him absolutely the income to arise from such interest before he reaches that age, or directs the income or so much thereof as may be necessary to be applied for his benefit, such interest is not contingent.

22. Where, on a transfer of property, an interest is created in favour of such members only of a class as shall attain a particular age, such interest does not vest in any member of the class who has not attained that age.

23. Where, on a transfer of property, an interest therein is to accrue to a specified person if a specified uncertain event shall happen, and no time is mentioned for the occurrence of that event, the interest fails unless such event happens before, or at the same time as, the intermediate or precedent interest ceases to exist.

24. Where, on a transfer of property, an interest therein is to accrue to such of certain persons as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent interest ceases to exist, unless a contrary intention appears from the terms of the transfer.

Illustration.

A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. At B's death the property passes to D.

25. An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that if permitted it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as immoral or opposed to public policy.

Illustrations.

(a). A lets a farm to B on condition that he shall walk ten miles in an hour. The lease is void.

(b). A gives Rs. 500 to B on condition that he shall marry A's daughter, C. At the date of the transfer C was dead. The transfer is void.

(c). A transfers Rs. 500 to B on condition that she shall murder C. The transfer is void.

(d). A transfers Rs. 500 to his niece C if she will desert her husband. The transfer is void.

26. Where the terms of a transfer of property impose a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled if it has been substantially complied with.

Illustrations.

(a). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D, and E. E dies. B marries with the consent of C and D. B has fulfilled the condition.

THE TRANSFER OF PROPERTY BILL.

(b). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. B has not fulfilled the condition.

of
s. 116. **27.** Where, on a transfer of property, an interest is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another if the prior interest under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

of
s. 117. But where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner.

Illustrations.

(a). A transfers Rs. 500 to B on condition that he shall execute a certain lease within three months after A's death, and if he should neglect to do so, to C. B dies in A's lifetime. The transfer to C takes effect.

(b). A transfers property to his wife; but in case she should die in his lifetime, transfers to B that which he had transferred to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The transfer to B does not take effect.

of 1865, **28.** On a transfer of property an interest may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen, such interest shall pass to another person; or that in case a specified uncertain event shall not happen, such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections ten, twelve, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-seven.

of 1865, **29.** An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Fulfillment of condition subsequent.

Illustration.

A transfers Rs. 500 to B, to be paid to him on his attaining his majority or marrying, with a proviso that, if B dies a minor or marries without C's consent, the Rs. 500 shall go to D. B marries when only 17 years of age, without C's consent. The transfer to D takes effect.

of 1865, **30.** If the ulterior disposition is not valid, the prior disposition is not affected by it.

Prior disposition not affected by invalidity of ulterior disposition.

Illustration.

A transfers a farm to B for her life, and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

31. Subject to the provisions of section twelve, Act X of 1821. on a transfer of property an interest may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen.

Illustrations.

(a). A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood, the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(b). A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. A does not go to England within the term prescribed. His interest in the farm ceases.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Such condition must not be invalid.

33. Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act at or before a specified time, and the transferor has at the time of creating the interest made an ulterior disposition thereof in favour of himself or of another if the act be not performed within such time, the prior disposition ceases to have effect if the act is not performed within such time, or if the person benefited by the prior disposition renders the performance of the act impossible within the time specified. But where the transferor has not made any such ulterior disposition thereof, the transfer is, at the option of the transferor, voidable so far as regards such interest, if it was intended that time should be of the essence of the condition; but if it was not so intended, the transfer shall not be so voidable.

Condition that transferee shall perform act at or before specified time.

The intention referred to in this section is, in the case of a transfer without consideration, the intention of the transferor, and, in the case of a transfer for consideration, the intention of both the transferor and of the person from whom the consideration proceeds.

When such intention is apparent, the circumstance that the interest has actually been enjoyed under the prior disposition does not affect the operation of the condition.

34. Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, if the transferor has at the time of the transfer made an ulterior disposition of the interest in favour of another person, the prior disposition ceases to take effect when the person benefited thereby renders impossible or indefinitely postpones the performance of the condition.

Transfer conditional on performance of act, no time being specified for performance.

But if the transferor has not at the time of the transfer made any such ulterior disposition of the interest, then if the interest was created without consideration it is voidable at the option of the transferor; but if it was created for consideration it shall be so voidable only if adequate compensation for the breach of the condition cannot be made in money.

35. Where an act is to be performed by a person either as a condition on performance of act, to be fulfilled before an time being specified. interest created on a transfer is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay caused by such fraud. But if no time is specified for the performance of the act, then if its performance is by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election.

36. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it; and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representative as if it had not been disposed of,

subject nevertheless,

where the transfer is gratuitous and the transferor has before the election died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustration.

The farm of Sultánpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

The rule in the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

A person who in his one capacity takes a benefit under the transaction may in another dissent therefrom. Act X of 1865, s. 17

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer expressed to be in lieu of that property, if such owner claim that he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he has knowledge of his right to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances. Act X of 1865, s. 17

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed it for two years without doing any act to express dissent. Act X of 1865, s. 17

Such knowledge or waiver may be inferred from any act of his which renders it impossible to place the persons interested in the property professed to be transferred in the same condition as if such act had not been done. Act X of 1865, s. 17

Illustration.

A transfers to B an estate to which C is entitled, and to C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the transfer of the estate to B.

If he does not within one year after the date of the transfer signify to the transferor or his representatives his intention to confirm or to dissent from the transfer, the transferor or his representatives may, upon the expiration of that period, require him to make his election; and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the transfer. Act X of 1865, s. 17

In case of disability, the election shall be postponed until the disability ceases, or until the election is made by some competent authority. Act X of 1865, s. 17

Apportionment.

37. In the absence of a contract to the contrary, all rents, annuities, pensions, dividends and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive such payments, be deemed to accrue due from day to day, and to be apportionable accordingly, but to be payable on the days appointed for the payment thereof. Report, s. Bill III, s

Severance of Obligation relating to Property.

38. When in consequence of a transfer property is divided and held in several shares, and thereupon the benefit of any obligation relating to the property as a satisfaction of right arising in favour of several persons in consequence of a transfer.

THE TRANSFER OF PROPERTY BILL.

whole passes from one to several owners of the property, the corresponding duty shall, in the absence of a contract to the contrary amongst the owners, be performed in favour of each of such owners in proportion to the value of his share in the property, provided that the duty can be severed and that the severance does not substantially increase the burden of the obligation; but if the duty cannot be severed, or if the severance would substantially increase the burden of the obligation, the duty shall be performed for the benefit of such one of the several owners as they shall jointly designate for that purpose:

Provided that no person on whom the burden of the obligation lies shall be answerable for failure to discharge it in manner provided by this section, unless and until he has had reasonable notice of the severance.

Illustrations.

(a). A sells to B, C and D land situate in a village and leased to E at an annual rent of Rs. 30 and delivery of one fat sheep, B having provided half the purchase-money and C and D one-quarter each. E having notice of this must pay Rs. 15 to B, Rs. 7½ to C and Rs. 7½ to D, and must deliver the sheep according to the joint direction of B, C and D.

(b). Each house in the village being bound to provide ten days' labour each year on a dyke to prevent inundation, E had agreed as a term of his lease to perform this work for A. B, C and D severally require E to perform the ten days' work due on account of the house of each. E is not bound to do more than ten days' work in all, according to such directions as B, C and D may join in giving.

B. Transfer of Immoveable Property.

39. Where any person authorized only under certain circumstances in their nature authorized only under variable to dispose of immoveable property transfers such property for consideration, alleging the existence of such circumstances, they shall, as between the transferee on the one part and the transferor and other persons (if any) affected by the transfer on the other part, be deemed to have existed, if the transferee, after using reasonable care to ascertain the existence of such circumstances, has acted in good faith.

Illustration.

A, a Hindú widow, whose husband has left collateral heirs, agrees, for purposes neither religious nor charitable, to sell a field, part of the property held by her as such, to B. B satisfies himself by reasonable inquiry that the income of the property is insufficient for A's maintenance, and that the sale of the field is necessary, and, acting in good faith, buys the field. As between B on the one part and A and the collateral heirs on the other part, a necessity for the sale shall be deemed to have existed.

40. Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such right does not amount to a charge on such property, or where for the more beneficial enjoyment of his own immoveable property a third person has, independently of any interest in the immoveable property

of another, a right to restrain the enjoyment of the latter property or to compel its enjoyment in a particular manner, or

where a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immoveable property, but not amounting to an interest therein or easement thereon,

such right or obligation may be enforced against a transferee with notice thereof or a gratuitous transferee of the property affected thereby, but not against a transferee for consideration and without notice of the right or obligation, nor against such property in his hands.

Illustrations.

(a). A, a Hindú, transfers Sultánpur to his sister-in-law B, in lieu of her claim against him for maintenance in virtue of his having succeeded to her deceased husband's property, and agrees with her that if she is dispossessed of Sultánpur, A will transfer to her an equal area out of such of several other specified villages in his possession as she may elect. A sells the specified villages to C, who buys in good faith, without notice of the agreement. B is dispossessed of Sultánpur. She has no claim on the villages transferred to C.

(b). A, a Hindú widow, is entitled to maintenance out of the share of her deceased husband in Basaoli, which has passed to his brother B. B sells Basaoli to C, who has notice of A's claim and that there is no other property to satisfy it. A may claim maintenance out of Basaoli in the hands of C.

(c). A contracts to sell Sultánpur to B. While the contract is still in force he sells Sultánpur to C, who has notice of the contract. B may enforce the contract against C to the same extent as against A.

41. Where a person holding immoveable property as its ostensible owner with the consent, express or implied, of the other persons interested therein, transfers such property for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

Illustrations.

(a). A, one of two co-proprietors of village land, leaves his village, and with his consent the land is registered by the Revenue-officer in the name of B, the other co-proprietor. After ten years B sells a portion of the land to C, who takes reasonable care to ascertain that B had power to make the transfer and acts in good faith. A is not entitled to have the sale set aside.

(b). A buys land and causes it to be transferred to his servant B to hold on his behalf, and also causes it to be entered in the revenue register in B's name. C, having ascertained that B is the registered owner of the land and pays the revenue due in respect thereof, buys the land in good faith. A cannot impeach the sale.

42. Where a person having an option to require, or authority to revoke, a transfer of any immoveable property, transfers the property for consideration, such transfer operates in favour of the transferee (subject to any condition attached to the exercise of the option or authority) in the former case

exercise of the option, and, in the latter case, as a revocation of the former transfer to the extent of the authority.

Illustrations.

(a). A takes a lease of a house from B with an option of buying it at a specified price. A sells the house to C. C may require B to transfer it to him at the specified price.

(b). A lets a house to B and reserves power to revoke the lease if in the opinion of a specified surveyor B should make a use of it detrimental to its value. Afterwards A, thinking that such a use has been made, lets the house to C. This operates as a revocation of B's lease subject to the opinion of the surveyor as to B's use of the house having been detrimental to its value.

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43. Where a person erroneously represents that he is authorized to transfer certain immoveable property, and assumes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may acquire in such property, at any time during which the contract of transfer subsists.

Nothing in this section shall impair the right of transferees in good faith for consideration without notice of the existence of the said option.

Illustration.

A, a Hindú who has separated from his father B, sells to C three fields, X, Y and Z. Of these Z does not belong to A, it having been retained by B on the partition; but on B's dying A obtains Z as heir. C, not having rescinded the contract of sale, may require A to deliver Z to him.

s. 9.

44. Where one of two or more co-owners of immoveable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee acquires as to such share or interest, and so far as is necessary to give effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting, at the date of the transfer, the share or interest so transferred.

s. 18.

45. Where property is transferred for consideration to two or more persons, and such consideration is paid out of a fund belonging to them in common, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled to the fund; and where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced.

In the absence of evidence as to the interests in the fund to which they were respectively entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

Illustration.

A and B are the sons and C the grandson of a Hindú who has died leaving property. C's father D has also died. A partition has been made after which A and B have reunited. C remains severed in interest, his share being one-third. The separate property of D is of the same value. The whole fund belonging to A, B and C is expended in buying an estate X. A and B take one moiety of X as joint estate and C takes the other moiety as separate property.

46. Where a transfer of immoveable property is made for consideration by persons having distinct interest therein, the transferors are, in the absence of

Transfer for consideration by persons having distinct interests. persons having distinct interest therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property transferred were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

Illustrations.

(a). A owning a moiety, and B and C, each a quarter share of mauza Sultánpur, exchange an eighth share of that mauza for a quarter share of mauza Lalpura. There being no agreement to the contrary, A is entitled to an eighth share in Lalpura, and B and C each to a sixteenth share in that mauza.

(b). A, being entitled to a life interest in mauza Atrali and B and C to the reversion, sell the mauza for Rs. 1,000. A's life interest is ascertained to be worth Rs. 600, the reversion Rs. 400. A is entitled to receive Rs. 600 out of the purchase money, B and C to receive Rs. 400.

47. Where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and, where they were unequal, proportionately to the extent of such shares.

Illustration.

A, the owner of an eight annas share, and B and C, each the owner of a four annas share, in mauza Sultánpur, transfer a two-anna share in the mauza to D, without specifying from which of their several shares the transfer is made. To give effect to the transfer one-anna share is taken from the share of A, and half an anna share from each of the shares of B and C.

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be subject to the rights previously created.

49. Where immoveable property is transferred for consideration, and such property or any part thereof is at the date of the transfer insured against loss or damage by fire, the transferee, in case of such loss or damage, may, in the absence of a contract to the contrary, require any money which the transferor actually receives under

Bill III. ss.
17. 36.

Transferee's right under policy.

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the policy, or so much thereof as may be necessary, to be applied in reinstating the property.

- s. 8: 50. No person shall be chargeable with any rents or profits of any immoveable property, which he has in good faith paid or delivered to any person of whom he in good faith held such property, notwithstanding it may afterwards appear that the person to whom such payment or delivery was made had no right to receive such rents or profits.

Illustration.

A lets a field to B at a rent of Rs. 50, and then transfers the field to C. B, having no notice of the transfer, in good faith pays the rent to A. B is not chargeable with the rent so paid.

- of 51. When the transferee of immoveable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto, and he is subsequently evicted therefrom by any person having a better title, the transferee or his representative in interest has a right to require the person causing the eviction either to have the value of the improvement estimated and paid or secured to the transferee, or to sell his interest in the property to the transferee at the then market value thereof irrespective of the value of such improvement.

The amount to be paid or secured in respect of such improvement shall be the estimated value thereof at the time of the eviction.

When under the circumstances aforesaid the transferee has planted or sown on the property crops which are growing when he is evicted therefrom, he is entitled to such crops and to free ingress and egress to reap and carry them.

- s. 10: 52. During the active prosecution in any Court having authority in British India, or established beyond the limits of British India by the Governor General in Council, of a contentious suit or proceeding in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.

- s. 53. Every transfer or forfeiture of immoveable property made or incurred with intent to defraud prior or subsequent transferees thereof for consideration, or co-owners or other persons having an interest in such property, or to defeat or delay the creditors of the transferor, is voidable at the option of any person so defrauded, defeated or delayed.

Where the effect of any transfer or forfeiture of immoveable property is to defraud, defeat or delay any such person, and such transfer or forfeiture is made or incurred gratuitously or for a grossly inadequate consideration, the transfer or forfeiture may be presumed to have been made or incurred with such intent as aforesaid.

Nothing contained in this section shall impair the rights of any transferee or person benefiting by the forfeiture in good faith and for consideration, or the rights of Government arising on any forfeiture for non-payment of land-revenue.

CHAPTER III.

OF SALES OF IMMOVEABLE PROPERTY.

54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.

Such transfer, in the case of immoveable property of the value of one hundred rupees and upwards, can be made only by a registered assurance.

In the case of immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered assurance or by delivery of the property.

Delivery of immoveable property takes place, in the case of a reversion or other intangible thing—when the parties consent to the delivery; and in the case of other immoveable property—when the seller places the buyer, or such person as he directs, in possession of the property.

Bill III, s. 11
14 Beng. 30
312: N.-W
P., 1866, p. 8
12 Suth. W. 1
P., C. 6: as
the delivery
of assurance,
W. R. 1864,
p. 222: 5 W
R. 248: Morle
N. S. 358.

A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties.

It does not, of itself, create any interest in or charge on such property.

55. In the absence of a contract to the contrary, the buyer and the seller of immoveable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following, or such of them as are applicable to the property sold:

Right to
redeem, N. V
P., 1866,
p. 376.

Bill III, s. 12
Report, s. 14

(a). The seller is bound—

(1) to disclose to the buyer any defect in the property of which the seller is, and the buyer is not, aware, and which the buyer could not with ordinary care discover;

(2) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power;

Bill III, s. 11

Bill III, s. 1

1, s. 12 (3) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto;

1, s. 12 (4) on payment or tender of the amount due in respect of the price, to execute a proper assurance of the property when the buyer tenders it to him for execution at a proper time and place, and, where the property is, or forms part of, a revenue-paying estate, to present an application to the proper officer for the requisite alteration of the revenue-register;

(5) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in his possession, as an owner of ordinary prudence would take of such property and documents;

(6) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits;

1, s. 12 (7) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date; and, where the property is sold free from incumbrances, to discharge all incumbrances on the property then existing; and

1, s. 12 (8) where the ownership of the property has passed to the buyer, to deliver to the buyer all documents of title relating thereto which are in the seller's possession or power:

provided that (1), where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and (2), where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (1) the seller, and in case (2) the buyer of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, or by any person claiming under him, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof as he may require; and, in the meantime, the seller or the buyer, as the case may be, of the lot of greatest value must keep the said documents safe, uncancelled and undefaced, unless prevented from so doing by fire or other inevitable accident;

1, s. 12 (9) and the seller shall be deemed to contract that the interest which he assumes to transfer to the buyer subsists and that he has power to transfer the same:

provided that where the sale is made by a person in a fiduciary character, he shall be deemed to contract to the like effect, so far only as his knowledge extends.

(b). The seller is entitled—

1, s. 12 (1) to the rents and profits of the property till the ownership thereof passes to the buyer;

1, s. 12 (2) where the ownership of the property has passed to the buyer before payment of the whole of

the purchase-money, to a charge upon the property in the hands of the buyer for the amount of the purchase-money, or any part thereof remaining unpaid, and for interest on such amount or part.

(c). The buyer is bound—

(1) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is, and the seller is not, aware, and which increases the value of such interest;

(2) to pay or tender, at the time and place of completing the transfer, the purchase-money to the seller or such person as he directs: provided that where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of the incumbrances on the property existing at the date of the transfer, and shall pay the amount so retained to the persons entitled thereto;

(3) to retransfer the property where the ownership thereof has passed to the buyer before payment of the purchase-money and he fails to pay or tender such money in accordance with the last preceding clause;

(4) where the ownership of the property has passed to the buyer, to bear any loss arising from the destruction, injury or decrease in value of the property not caused by the seller;

(5) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on the incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(d). The buyer is entitled—

(1) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof;

(2) unless he has improperly declined to accept delivery of the property, to a charge on the property, as against the seller, to the extent of the seller's interest therein, for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount; and when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

An omission to make such disclosures as are mentioned in this section, paragraph (a), clause (1), and paragraph (c), clause (1), is fraudulent.

56. Where two properties are subject to a common charge, and one of the

properties subject to a common charge, and one of the properties is sold to a buyer without notice of the charge

the buyer is, as against the seller and the incumbrancer, in the absence of a contract to the contrary, entitled to have the charge satisfied out of the other property, so far as such property will extend.

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CHAPTER IV.

OF MORTGAGES OF IMMOVEABLE PROPERTY AND CHARGES.

57. (a). A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

The transferor is called a mortgagor, the transferee a mortgagee; the principal money and interest of which payment is secured are called the mortgage-money, and the assurance (if any) by which the transfer is effected is called a mortgage-deed.

(b). Where the mortgagor binds himself expressly and personally to repay the mortgage-money on a certain date, and, without delivering possession of the property, makes it a collateral security for the repayment, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.

(c). Where the mortgagor, without delivering possession of the property, ostensibly sells it—

on condition that on default of payment of the mortgage-money on date agreed on the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

(d). Where the mortgagor delivers or agrees to deliver actual possession of the mortgaged property to the mortgagee on the terms that he shall retain such possession until repayment of the mortgage-money, applying the rents and profits accruing from such property in reduction of the amount for the time being due under the mortgage, or accepting such rents and profits in lieu of interest, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

(e). Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a condition that he will retransfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called an English mortgage.

58. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by registered assurance signed

ed by the mortgagor and attested by at least two witnesses.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by registered assurance signed and attested as aforesaid or by delivery of the property.

Rights and Liabilities of Mortgagor.

59. At any time after the principal money has become payable, the mortgagor, or, where there are more mortgagors than one, any of the mortgagors, has a right, on payment or tender, at a proper time and place, of all sums (if any) remaining due on the mortgage, to require the mortgagee (a) to re-deliver the mortgage-deed, if any, (b) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (c) at the cost of the mortgagor either to re-transfer the mortgaged property to him, or to execute, and (where the mortgage has been effected by registered assurance) to have registered, an acknowledgment in writing that any right in derogation of his ownership or other interest transferred to the mortgagee has been extinguished.

provided that the right conferred by this section has not been extinguished by act of the parties or by order of a court.

The right conferred by this section is called a right to redeem, and a suit to enforce it is called a suit for redemption.

Nothing in this section shall entitle a person interested in a share only of the mortgaged property to redeem his own share only, on payment of a proportionate part of the amount remaining due on the mortgage, except where a mortgagee, or, if there are more mortgagees than one, all such mortgagees, has or have acquired, in whole or in part, the share of a mortgagee.

60. If the owner of two or more properties makes separate mortgages on them by separate assurances, each mortgage may, in the absence of a contract to the contrary, be dealt with irrespectively of the other though the mortgages are made in favour of the same mortgagee.

Illustration.

A, the owner of farms Z and Y, mortgages Z to B for Rs. 1,000. A afterwards mortgages Y to B for Rs. 1,000 making no stipulation as to any additional charge on Z. A may institute a suit for the redemption of the mortgage on Z alone.

61. In the case of a usufructuary mortgage, the mortgagee has a right to recover possession of the property—

(a) where the mortgagee is authorized to pay himself from the rents and profits of the property the principal money and interest thereof,—when such money and interest are paid;

R. B. Ghose 64 : This applies to defeasance

Bill III, s. 5 Beng. 4, 6 Beng. 5, 2 Mad. 42, 7 Mad. 39, 13 Beng. 1, N.-W. P., 1868, p. 20, Bomb. 23, no redemption before expiration of period named, 13 Beng. 1, 9 Beng. 69, See 7 Ben 136 (P. C.

6 Bom. A.C. 265 : N.-W. P., 1869, 128.

N. W. P., 1867, p. 80, 20 W. R., 22 W. R., 24 W. R., N.-W. P., 1870, p. 4, N.-W. P., 1872, p. 9, N.-W. P., 1873, p. 1, R. B. Ghose 198 : 15 Bengal 303, Bill III, s. 6, contra, 6 F. A. C. J 90, But see R. G. 330, 33

(b) where the mortgagee is authorized to pay himself from such rents and profits the interest of the principal money,—when the term (if any) prescribed for the payment of the mortgage money has expired and the mortgagor pays or tenders to the mortgagee the principal money or deposits it in the court as hereinafter provided.

III, s. 25: 62. Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Where such accession has been acquired at the cost of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the cost of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable in the case of an acquisition necessary to preserve the property from destruction, forfeiture, or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.

In the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor.

Where the mortgage is usufructuary and the accession has been acquired at the cost of the mortgagee, the profits, if any arising, from the accession shall, in the absence of a contract to the contrary, be set-off against interest, if any, payable on the money so expended.

Illustration.

m. 369, A mortgages to B a field, the trees on which are the property of Government. B enters into possession of the field, and as occupant thereof buys the trees. A redeems the field. He is entitled to the trees on payment of their cost.

II, s. 26. 63. Where the mortgaged property is a lease for a term of years, and the mortgagee obtains a renewal of the lease, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, have the benefit of the new lease.

II, s. 24: 64. In the absence of a contract to the contrary, the mortgagor shall be deemed to contract with the mortgagee,

(a) that the interest which the mortgagor assumes to transfer to the mortgagee subsists and that the mortgagor has power to transfer the same;

A. 1857, (b) that the mortgagor will defend, or, if the mortgagee be in possession, enable him to defend, the mortgagor's title to the mortgaged property;

(c) that the mortgagor will pay all public charges accruing due in respect of the property;

st of for- (d) and, where the mortgaged property is a

lease for a term of years, that the rent payable under the lease, the conditions contained therein, and the contracts binding on the lessee have been paid, performed and observed down to the commencement of the mortgage; and that the mortgagor will, so long as the security exists, pay the rent reserved by the lease, or, if the lease be renewed, the renewed lease, perform the conditions contained therein and observe the contracts binding on the lessee, and indemnify the mortgagee against all claims sustained by reason of the non-payment of the said rent or the non-performance or non-observance of the said conditions and contracts;

(e) and, where the mortgage is a second or subsequent incumbrance on the property, that the mortgagor will pay the interest from time to time accruing due on each prior incumbrance as and when it becomes due, and will at the proper time discharge the principal money due on such prior incumbrance.

Nothing in clause (c), or in clause (d), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage.

65. A mortgagor in possession of the mortgaged property is not liable to the mortgagee for allowing the property to deteriorate; but he must not commit any act which is destructive or permanently injurious thereto, if the security is insufficient or will be rendered insufficient by such act.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

Rights and Liabilities of Mortgagee.

66. In the absence of a contract to the contrary, the mortgagee has, at any time after the mortgage-money has become payable to him, and before a decree has been made for the redemption of the mortgaged property, or the mortgage-money has been paid or deposited as hereinafter provided, a right to obtain from the Court an order that the mortgagor shall be absolutely debarred of his right to redeem the property, or an order that the property be sold.

A suit to obtain an order that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called a suit for foreclosure.

Nothing in this section shall be deemed—

(a) to authorize a simple mortgagee as such to institute a suit for foreclosure, or an usufructuary mortgagee as such to institute a suit for foreclosure or sale, or a mortgagee by conditional sale as such to institute a suit for sale; or

(b) to authorize a mortgagor who holds the mortgagee's rights as his trust or legal representative and who may sue for a sale of the property to institute a suit for foreclosure: or

feiture of lease, N.-W.P., 186 p. 128.

Bill III, s. 2 Macph. 109 R. B. Ghose 147.

Lewin on Trusts, p. 2

Bill III, s. 3 2 Mad. 289 N.-W.P. 1870, p. 311 No foreclosure before expiration of period named Mortgagee's right to sale 7 Bomb. A. J. 146: 9 Bomb. 12.

Simple mortgage, N.-W.P. 1869, p. 184: Usufructuary, N.-W.P. 1875, p. 55. Fisher 518, 575: Qy. as to conditional mortgage

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(c) to authorize the mortgagee of a railway, canal or other work in the maintenance of which the public are interested, to institute a suit for foreclosure or sale; or

Jones contra,
Macph. 195,
196.

(d) to authorize a person interested in part only of the mortgage-money to institute a suit relating only to a corresponding part of the mortgaged property: unless the mortgagees have, with the consent of the mortgagor, severed their interests under the mortgage.

Bill III, s.
34.

67. The mortgagee has a right to sue the mortgagor for the mortgage-money in the following cases only:—

3 W. R. 283.

(a) where the mortgagor binds himself to repay the same:

Macph. 233.
Act XXXIII
of 1871, s. 46:
25 W. R. 7
(partial de-
privation).

(b) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor:

4 Moo. L. A.
464:
Marsh. 209:
7 S. D. A. 47:
N.-W. P.
1860, p. 28:
So in the case
of a Kānam
mortgage, 2
Mad. 315:
6 W. R. 283
(power to
usufructuary
mortgagee).

(c) where the mortgagee being entitled to possession of the property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any other person.

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed, or the security is rendered insufficient as defined in section sixty-five, the mortgagee may require the mortgagor to give him within a reasonable time another sufficient security for his debt, and, if the mortgagor fails so to do, may sue him for the mortgage-money.

II III, s. 35.
Bomb.
C. J. 142:
ulammadan
w, Macph.

68. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling the mortgaged property, or any part thereof, is invalid, except where—

(a) the principal money originally secured is five hundred rupees or upwards; or

(b) the mortgagee is the Secretary of State for India in Council; or

(c) the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karachi or Rangoon.

Act No. XXVIII of 1866, section 6, is repealed so far as it is inconsistent with this section.

III III, s. 37:
Bomb. 32.

69. If, after the date of the mortgage, any accession is made to the mortgaged property, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to such accession.

Accession to mortgaged property.

Illustrations.

(a). A mortgages to B a certain field bordering on a river. The field is increased by alluvion. For the purposes of his security, B is entitled to the increase.

(b). A mortgages a certain plot of building-land to B and afterwards erects a house on the plot. For the purposes of his security, B is entitled to the house as well as the plot.

70. When the mortgaged property is a lease for a term of years, and the mortgagor obtains a renewal of the lease, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to the new lease.

Renewal of mortgaged lease.

71. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

(a) for the due management of the property and the collection of the rents and profits thereof;

Macph. I
118, 252
1 Bomb.
203: 5 F
A. C. J.
116.

(b) for its preservation from destruction, forfeiture or sale;

N.-W. P.
1867, p.

(c) for supporting the mortgagor's title to the property;

(d) for making his own title thereto good against the mortgagor; and

(e) when the mortgaged property is renewable leasehold, for the renewal of the lease;

11 Moo.
241.

and may, in the absence of a contract to the contrary, add such money to the principal-money, at the rate of interest payable on the principal and where no such rate is fixed at the rate of nine per cent. per annum.

Where the property is by its nature insurable at ordinary rates, the mortgagee may also, in the absence of a contract to the contrary, insure and keep insured against loss or damage by fire the whole or any part of such property, and add the premiums paid for any such insurance to the principal-money at the same rate of interest.

23 & 24
c. 145, s.
2 Dav. 6

72. Where mortgaged property is sold through failure to pay arrears of revenue or rent due in respect thereof, the mortgagee has a charge on the surplus, if any, of the proceeds, after payment thereof of the said arrears, for the amount remaining due on the mortgage, unless the sale has been occasioned by some default on his part.

Charge on proceeds of revenue sale.

Bill III,
Macph. I
234:
I. W. B.
16 W. R.

73. Any second or other subsequent mortgage may at any time after the amount due on the next prior mortgage has become payable, tender such amount to the next prior mortgagee, and such mortgagee is bound to accept such tender and to give a receipt for such amount; and (subject to the provisions of the law for the time being in force regulating the registration of documents) the subsequent mortgagee shall, on obtaining such receipt, acquire, in respect of the property, all the rights and powers of the mortgagee, as such, to whom he has made such tender.

Right of subsequent mortgagee to pay off prior mortgages.

Bill III,
Report, s.
33.

74. Every second or other subsequent mortgagee has, so far as regards redemption, foreclosure and sale of the mortgaged property—

Rights of mesne mortgagee against prior and subsequent mortgagees.

Bill III,

erty, the same rights against the prior mortgagee or mortgagees as his mortgagor has against such prior mortgagee or mortgagees, and the same rights against the subsequent mortgagees (if any) as he has against his mortgagor.

75. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property,—

Liabilities of mortgagee in possession.

(a) he must manage the property as a person of ordinary prudence would manage it if it were his own;

(b) he must use his best endeavours to collect the rents and profits thereof;

(c) he must, in the absence of a contract to the contrary, out of the income of the property pay the Government revenue, all other charges of a public nature accruing due in respect thereof during such possession and any arrears of rent in default of payment of which the property may be summarily sold;

(d) he must, in the absence of a contract to the contrary, make such necessary repairs of the property as he can pay for out of the rents and profits thereof after deducting from such rents and profits the payments mentioned in clause (c) and the interest on the principal-money;

(e) he must not commit any act which is destructive or permanently injurious to the property;

(f) where he has insured the whole or any part of the property against loss or damage by fire, he must, in case of such loss or damage, apply any money which he actually receives under the policy, or so much thereof as may be necessary, in reinstating the property;

(g) he must keep clear, full and accurate accounts of all sums received and spent by him as mortgagee and, at any time during the continuance of the mortgage, give the mortgagor, at his request and cost, true copies of such accounts and of the vouchers by which they are supported;

(h) his receipts from the mortgaged property, or, where such property is personally occupied by him, a fair occupation-rent in respect thereof, shall, after deducting the expenses mentioned in clauses (c), (d), and (e), and interest thereon, be debited against him in reduction of the amount (if any) from time to time due to him on account of interest on the mortgage-money and, so far as such receipts exceed any interest due, in reduction or discharge of the mortgage-money. The surplus, if any, shall be paid to the mortgagor;

(i) when the mortgagor tenders, or deposits in manner hereinafter provided, the amount for the time being due on the mortgage, the mortgagee must, notwithstanding the provisions in the other clauses of this section, account for his gross receipts from the mortgaged property from the date of the tender or from the earliest

time when he could take such amount out of court, as the case may be.

If the mortgagee fail to perform any of the duties imposed upon him by this section, he may, when accounts are taken in pursuance of a decree made under this chapter, be debited with the loss, if any, occasioned by such failure.

76. Nothing in section seventy-five, clauses (b), (d), (g) and (h), applies to cases where there is a contract between the mortgagee and the mortgagor that the receipts from the mortgaged property shall, so long as the mortgagee is in possession of the property, be taken in lieu of interest on the principal-money, or of such interest and defined portions of the principal.

Priority.

77. Where, through the fraud, misrepresentation or gross neglect of a prior mortgagee, another person has been induced to advance money on the security of the mortgaged property, the prior mortgagee shall be postponed to the subsequent mortgagee.

78. If a mortgage made to secure future advances, the performance of an engagement or the balance of a running account expresses the maximum to be secured thereby, a subsequent mortgage on the same property shall, if made with notice of the prior mortgage, or if the instrument effecting the prior mortgage is registered, be postponed to the prior mortgage in respect of all advances or debits not exceeding the maximum, though made or allowed with notice of the subsequent mortgage.

Illustration.

A mortgages Sultānpur to his bankers, B & Co., to secure the balance of his account with them to the extent of Rs. 10,000. A then mortgages Sultānpur to C, to secure Rs. 10,000; and C gives notice thereof to B & Co. At the date of the second mortgage, the balance due to B & Co. does not exceed Rs. 5,000. B & Co. subsequently advance to A sums making the balance of the account against him exceed the sum of Rs. 10,000. B & Co. are entitled, to the extent of Rs. 10,000, to priority over C.

79. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security. And, except in the case provided for by section seventy-eight, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage,

Bill III, s. 33, last para.

Bill III, s. 40, Sec. 333. See 10 Moo. I. A. 340.

Bill III, s. 44 Evidence Act, s. 115 : N.W.P. 1868 p. 402 : 4 Mad. 373 : 2 Moo. I. A. 487 : 11 W. R. 286 Hindú mortgage in possession, 8 Bom. A. C. J. 50, 55, in Guzerat, 11 Bom.

Bill III s. 25 : Report, s. 29.

Bill III, s. 46 : Report, s. 34 : 2 Beng. App. 45 : 5 Beng. 463 : 11 W. R. 310.

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shall thereby acquire any priority in respect of his security for such subsequent advance.

Marshalling and Contribution.

80. If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has not notice of the former mortgage, the second mortgagee is entitled to have the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee, so far as such property will extend; but not so as to prejudice the rights of the first mortgagee or of any other person having an incumbrance on either property.

Fisher 704: Bill III, s. 47: W. R. 1864, p. 374: 1 W. R. 353: 7 W. R. 483: 12 W. R. 114: Macph. 205.

Macph. 136.

81. Where several properties, whether of one or several owners, are mortgaged to secure one debt, each property is liable to contribute rateably to the debt secured by the mortgage, after deducting from the value of each property the amount of any other incumbrance to which it is subject at the date of the mortgage.

Bill III, s. 48: Fisher 700.

Contribution to mortgage-debt.

Where of two properties belonging to the same owner, one is mortgaged to secure one debt, and then both are mortgaged to secure another debt, and the former debt is paid out of the former property, each property is liable to contribute rateably to the latter debt, after deducting the amount of the former debt from the value of the property out of which it has been paid.

Fisher 701. Nothing in this section applies to a property liable under section eighty to the claim of the second mortgagee.

Deposit in Court.

82. At any time after the principal money has become payable and before a suit for redemption of the mortgaged property is barred, the mortgagor, or any other person entitled to institute such suit, may deposit, in any court in which he might have instituted such suit, to the account of the mortgagee the amount remaining due on the mortgage.

III, s. 23: g. Reg. I 798, s. 2: ph. 171.

Power to deposit in court money due on mortgage.

The Court shall thereupon cause written notice of the deposit to be served on the mortgagee, and the mortgagee may, on presenting a petition (verified in manner prescribed by law for the verification of complaints) stating the amount then due on the mortgage, and his willingness to accept the money so deposited in full discharge of such amount, and on depositing in the same court the mortgage-deed if then in his possession or power, apply for and receive the money, and the mortgage-deed so deposited shall be delivered to the mortgagor or such other person as aforesaid.

III, s. 23: g. Reg. I 798, s. 2: ph. 171.

Right to money deposited by mortgagor.

83. When the mortgagor or such other person as aforesaid has tendered or deposited in court under section eighty-two the amount remaining due on the

III, s. 82: -W. P. 1, ph. 159.

Cessation of interest.

mortgage, interest on the principal money shall cease from the date of the tender or as soon as the mortgagor or such other person as aforesaid has done all that has to be done by him to enable the mortgagee to take such amount out of court, as the case may be.

Suits for Foreclosure, Sale or Redemption.

84. Subject to the provisions of the Code of Bill Parties to suits for Civil Procedure, section 437, foreclosure, sale and redemption. all persons having an interest in the property comprised in a mortgage must be joined as parties to any suit under this chapter, relating to such mortgage: provided that the plaintiff has notice of such interest.*

Foreclosure and Sale.

85. In a suit for foreclosure, if the plaintiff Bill succeed, the Court shall make a decree, ordering that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree,

and ordering that, upon the defendant paying to the plaintiff or into court the amount so due, on a day within six months from the date of declaring in court the amount so due, to be fixed by the court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall transfer the property to the defendant free from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims; and shall, if necessary, put the defendant into possession of the property; but

that, if the payment is not made on or before the day to be fixed by the Court, the defendant shall be absolutely debarred of all right to redeem the property.

86. If payment is made of such amount and Bill of such subsequent costs as are mentioned in section ninety-three, the defendant shall (if necessary) be put into possession of the mortgaged property.

Procedure in case of payment of amount due.

* 14 Moo. I. A. 101: 1 W. R. 176: 21 W. R. 428: explained by Macph. 146: Seton i, 442, see Act X of 1877, sec. 32: 5 Bomb. O. C. J. 76 (legal representative of deceased mortgagor): 8 Beng. 104 (purchaser from mortgagor): Marshall 292, claimants of right of redemption, N.-W. P. 1868, p. 144.

Nothing in this section applies to the charge of a trustee on the trust-property for expenses properly incurred in the execution of his trust.

Bill III, s. 64: 100. Where the owner of a charge or other incumbrance on immovable property, is or becomes absolutely entitled to that property, the charge or incumbrance shall be extinguished, unless he declares, by express words or necessary implication, that it shall continue to subsist, or such continuance would be for his benefit.

Lawyer, v. 29
Leav. 199 :
Idoms v.
Lagall, 5
Ban. D. 634,
45,
Mad. 231 :
4 W. R. 491:
O'Kin. 184:
Beng. 463 :
1 Bom. 41.

Notice and Tender.

101. Where the person on or to whom any notice or tender is to be served or made under this chapter does not reside in the district in which the mortgaged property or some part thereof is situate, service or tender on or to an agent holding a general power of attorney from such person or otherwise duly authorized to accept such service or tender shall be deemed sufficient.

Where no such person or agent can be found in the said district, or where the person on or to whom such notice or tender should be served or made is unknown to the person required or desiring to serve the notice or make the tender, the latter person may apply to any Court in which a suit might be brought for redemption of the mortgaged property, and such Court shall direct in what manner such notice or tender shall be served or made, and any notice served or tender made in compliance with such direction shall be deemed sufficient.

102. Where under the provisions of this chapter a notice is to be served on or by, or tender or deposit made or accepted or taken out of court by any person incompetent to contract, such notice may be served or tender or deposit made, accepted or taken by the legal curator of the property of such person, but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or tender or deposit made under the provisions of this chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian *ad litem* for the purpose of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract; and the provisions of chapter XXXI of the Code of Civil Procedure shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

CHAPTER V.

OF LEASES OF IMMOVABLE PROPERTY.

103. A lease of immovable property is a transfer of a right to enjoy such property made for a

certain time express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service, or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent.

104. In the absence of a contract or local law or usage to the contrary, a lease of immovable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy; and a lease of immovable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy.

Duration of certain leases in absence of written contract or local usage.

Bill III, s. 65: Report, s. 40: 5 Bom. A. C. J. 179: 6 *ibid.* 31; 7 *ibid.* 111: and see 1 Beng. F. B. 25: 13 W. R. 190. 1. L. R. 2 Cale 146. 4 Beng. App. pendix 86 12 Beng. 263. N. W. P. 1873, p. 9. Perry 480.

Every notice under this section must be in writing signed by or on behalf of the party giving it and tendered or delivered to the party who is intended to be bound by it, or affixed on a conspicuous part of the property.

105. A lease of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered assurance.

All other leases of immovable property may be made either by assurance or by oral agreement.

106. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immovable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased:—

A.—Rights and Liabilities of the Lessor.

(a) the lessor is bound to disclose to the lessee any defect in the property, with reference to its intended use, of which the former is, and the latter is not, aware, and which the latter could not with ordinary care discover:

(b) the lessor is bound on the lessee's request to put him in possession of the property leased:

(c) the lessor shall be deemed to contract with the lessee that if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property leased during the time limited by the lease without interruption;

(d) where an arrear of rent is due from any lessee, the lessor may, instead of suing for the

THE TRANSFER OF PROPERTY BILL.

2) altered: arrear, recover the same by distress and sale of the
cf. IX of goods found in or upon the property in respect of
1872, s. 93: which the arrear is due or of the produce of such
11 W. R. property, but subject to the local law, if any, for
278: 12 W. the time being in force relating to distresses.
R. 149:

B.—Rights and Liabilities of the Lessee.

8 Beng. 73. (c) if during the continuance of the lease any
5 Cal. L. R. accession is made to the property leased, such
33. accession (subject to the law relating to alluvion
for the time being in force) shall be deemed to be
comprised in the lease:

(f) if by fire, tempest or flood, or violence of
an army or of a mob, or other irresistible force,
any material part of the property leased be wholly
destroyed or rendered substantially and perman-
ently unfit for the purposes for which it was let,
the lease shall, at the option of the lessee, be
void:

provided that if the injury be occasioned by the
wrongful act or default of the lessee, he shall not
be entitled to avail himself of the benefit of this
provision:

(g) if the lessor neglects to make, within a
reasonable time after notice, repairs which he is
bound to make to the property leased, the lessee
may make the same himself, and deduct the ex-
pense of such repairs with interest from the rent,
or otherwise recover it from the lessor:

(h) if the lessor neglects to make any payment
which he is bound to make, and which, if not made
by him, is recoverable from the lessee or against
the property leased, the lessee may make such pay-
ment himself, and deduct it with interest from the
rent, or otherwise recover it from the lessor:

Re Thakoor (i) the lessee may remove, at any time during
Chun ter the continuance of the lease, all things which he
Parmanath, has attached to the earth; provided he leaves the
Beng. F. B. property leased in the state in which he received
Rulings 595: it:
8 Beng. 237:
14 Beng. 201,
205.

Canadian (j) when a lease of uncertain duration deter-
Code, s. 1640. mines by any means except the fault of the lessee,
CF Act XIX of 1868, s. 46: he or his legal representative is entitled to all the
Act XVIII of crops planted or sown by the lessee and growing
1873, s. 42. upon the property leased for the season current
when the lease determines, and to free ingress and
egress to reap and carry them:

5 S. D. A. (k) the lessee may transfer absolutely or by way
305: of mortgage or sub-lease the whole or any part of
5 Mad. 120, his interest in the property leased, and any trans-
227: feree of such interest or part may again transfer
7 Beng. 152: it. The lessee shall not, by reason only of such
N.-W. P. transfer, cease to be subject to any of the liabi-
1875, p. 181: lities attaching to the lease:
12 W. R. 451:
16 W. R. 112:
6 S. D. A. 67,
15 W. R. 449.

8 Beng. 239: nothing in this clause shall be deemed to au-
12 Beng. 82. thorize a tenant having an untransferable right of
occupancy, the farmer of an estate in respect of
which default has been made in paying revenue,
or the lessee of an estate under the management of

a Court of Wards, to assign his interest as such
tenant, farmer or lessee:

(l) the lessee is bound to disclose to the lessor
any fact as to the nature or extent of the interest
which the lessee is about to take, of which the
lessee is, and the lessor is not, aware, and which
increases the value of such interest:

(m) the lessee is bound to pay or tender, at the See 23
proper time and place, the premium or rent to the 34.
lessor or his agent in this behalf.

(n) the lessee is bound to keep, and on the
termination of the lease to restore, the property
leased in as good condition as it was in at the
time when he was put in possession, subject only
to the changes caused by reasonable wear and tear
or irresistible force, and to allow the lessor and
his agents, at all reasonable times during the
term, to enter into the property leased and inspect
the condition thereof and give or leave notice
of any defect in such condition, and, when such
defect has been caused by any act or default on the
part of the lessee, his servants or agents, he is
bound to make it good within three months after
such notice has been given or left:

(o) if the lessee becomes aware of any proceed-
ing to recover the property leased or any part
thereof, or of any encroachment made upon, or any
interference with, the lessor's rights concerning
such property, he is bound to give, with reason-
able diligence, notice thereof to the lessor:

(p) the lessee may use the property leased and 5 Beng
its products (if any) as a person of ordinary prud- 416:
ence would use them if they were his own; but he 8 Beng
must not use, or permit another to use, the pro- pendix
perty for a purpose other than that for which it 10 Ben
was leased, or fell timber, pull down or damage Appx.
buildings, work mines or quarries not open when v. 5 S.
the lease was granted, or commit any other act 205.
which is destructive or permanently injurious 15 W.
thereto: 17 W.
23 W.
W. R. 1:
(1864)
8 Chan
526.

(q) he must not, without the lessor's consent, 8 Beng
erect on the property leased any permanent struc- 14 & 15
ture, except for agricultural purposes: c. 25, s

(r) on the determination of the lease, the lessee
is bound to put the lessor into possession of the
property leased.

107. If the lessor transfers the property leased, Bill III,
Rights of lessor's or any part thereof, or clause (c)
transferee. any part of his interest 14 W. 1
24 W. 1
therein, the transferee in the absence of a con-
tract to the contrary shall possess all the rights,
and, if the lessee so elects, be subject to all the
liabilities, of the lessor as to the property or part
transferred so long as he is the owner of it; but
the lessor shall not by reason only of such transfer
cease to be subject to any of the liabilities imposed
upon him by the lease, unless the lessee elects to
treat the transferee as the person liable to him:

Provided that the transferee is not entitled to Act XI
arrears of rent due before the transfer, and that if 1855, s.
the lessee pay rent to the lessor without having 4 Anne,
reason to believe that such transfer has been made, s. 10.

the lessee shall not be liable to pay such rent over again to the transferee :

Where only a part of the property leased is transferred by the lessor, he may (subject to the provisions of section thirty-eight) determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred.

69. 108. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no day of commencement is named, the time so limited begins from the making of the lease.

Exclusion of day on which term commences.

Where the time so limited is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day from which such time commences.

Duration of lease for a year.

Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable, the lessee, and not the lessor, shall have such option.

Option to determine lease.

70. 109. A lease of immoveable property determines—

33. A. (a) by efflux of the time limited thereby :

147. (b) where such time is limited conditionally on the happening of some event—by the happening of such event :

(c) where the interest of the lessor in the property leased terminates on, or his power to dispose of the same extends only to, the happening of any event—by the happening of such event :

59. (d) in case the interests of the lessee and the lessor in the whole of the property leased become J., vested at the same time in one person in the same 5. right :

5f (e) by express surrender, that is to say, in case the lessee yields up his interest under the lease to the lessor, by mutual agreement between them :

5a. N. of t.

1. R. (f) by implied surrender :

(g) by forfeiture, that is to say, (1) in case the lessee breaks an express condition which provides that, on breach thereof, the lessor may re-enter, or the lease shall become void ; or (2) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself, and in either case the lessor or his transferee does some act shewing his intention to determine the lease :

238. (h) on the expiration of a notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other.

Illustration to clause (f).

A, the lessee, accepts from the lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is an implied surrender of the former lease, and such lease determines thereupon.

110. A forfeiture under section one hundred and nine, clause (g), is waived by

Waiver of forfeiture. acceptance of rent which has become due since the forfeiture, or by distress for such rent, or by any other act on the part of the lessor shewing an intention to treat the lease as subsisting :

Bill III, s. 71. W. R. F. B. 10 : Marshall 25.

Provided that the lessor is aware that the forfeiture has been incurred :

Provided also that, where rent is accepted after the institution of a suit to eject the lessee on the ground of forfeiture, such acceptance is not a waiver.

2 Bom. 73.

111. A notice given under section one hundred and nine, clause (h), is waived, with the express or implied consent of the person

Waiver of notice to quit.

to whom it is given, by any act on the part of the person giving it shewing an intention to treat the lease as subsisting.

Bill III, s. 72.

Illustrations.

(a) A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires. B tenders, and A accepts, rent which has become due in respect of the property since the expiration of the notice. The notice is waived.

(b) A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. The first notice is waived.

112. Where a lease of immoveable property has been determined by forfeiture for non-payment of rent and the lessor sues to eject the lessee

Relief against forfeiture for non-payment of rent. if, at the hearing of the suit, the lessee pays or tenders to the lessor the rent in arrear, together with interest thereon and his full costs of the suit, or gives such security as the Court thinks sufficient for making such payment within fifteen days, the Court may, in lieu of making a decree for ejectment, pass an order relieving the lessee against the forfeiture ; and thereupon the lessee shall hold the property leased as if the forfeiture had not occurred.

Bill III, s. 73. N.-W.P. 1867. Ex. o. c. j. 1. *Tinnarsa Prasad v. B. B. Kuppugoudi*, 2 Bom. 70. 8 W. R. 225 per Peacock. C. J. Act XVIII of 1873, s. 31, cl (c), para. 1

113. The surrender, express or implied, of a lease of immoveable property does not prejudice an under-lease of the property or any part thereof previously granted by the lessee on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease ; but, unless the surrender is made for the purpose of obtaining a new lease, the rent payable by, and the contracts binding on, the under-lessee shall be respectively payable to, and enforceable by, the lessor.

Bill III, s. 71. 10 W. R. 384. 13 W. R. 281 N.-W.P. 1877, p. 63.

The forfeiture of such a lease annuls all such under-leases, except where such forfeiture has been procured by the lessor in fraud of the under-lessees.

Bill III, s. 75: 114. If a lessee or under-lessee of property
Report, s. 41: remains in possession thereof
Bom. A. C. Effect of holding over. after the determination of
27: the lease, and the lessor or his legal representative
2 Beng. 263 accepts rent from the lessee or under-lessee, or
W.P. 1870: otherwise assents to his continuing in possession,
204: the lease is, in the absence of an agreement to
W. R. 152: the contrary, renewed from year to year or from
W. R. 185: month to month, according to the purpose for
W. R. 394, which the property is leased, as specified in section
18: one hundred and six.
W. R. 271:
W. R. 234.

Illustrations.

(a.) A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. C's lease is renewed from month to month.

(b.) A lets a farm to B for the life of C. C dies, but B continues in possession with A's assent. B's lease is renewed from year to year.

115. None of the provisions of this chapter apply to leases for agricultural purposes, except in so far as the Local Government may by notification in the official Gazette declare all or any of such provisions to be so applicable, together with, or subject to, those of the local law, if any, for the time being in force.

CHAPTER VI.

OF EXCHANGES.

Bill III, s. 76: 116. When two persons mutually transfer the
A Code, ss. ownership of one thing for
63, 900: the ownership of another,
Mad. 104, neither thing or both things being money only, the transaction is called an "exchange."

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale.

Bill III, s. 77: 117. In the absence of a contract to the contrary, the party deprived of
de Civil the thing or part thereof he
t. 1705. has received in exchange by reason of any defect in the title of the other party is entitled at his option to compensation or to the return of the thing transferred by him.

Bill III, s. 78: 118. Save as otherwise provided in this chapter each party has the rights
Rights and liabilities of parties. and is subject to the liabilities of a seller as to that which he gives, and has the rights and is subject to the liabilities of a buyer as to that which he takes.

Bill III, s. 79: 119. On an exchange of money, each party
Mort. 105. Exchange of money. thereby warrants the genuineness of the money given by him.

CHAPTER VII.

OF GIFTS.

120. "Gift" is the transfer of certain existing moveable or immovable property made volun-

tarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.

Such acceptance must be made during the life-
Acceptance when to time of the donor and while
be made. he is still capable of giving.

If the donee dies before acceptance, the gift is void. L. C. 1531.

121. For the purpose of making a gift of Act III of 1877, s. 12, c
Transfer how effected. immovable property, the transfer must be effected by registered assurance signed by or on behalf of the donor, and attested by at least two witnesses.

Such assurance shall not be considered as in- Act X of 1864
sufficiently attested by reason of any benefit s. 54.
thereby given to any person attesting it, or to his or her wife or husband; but the gift shall be void so far as concerns the person so attesting, or the wife or husband of such person, or any person claiming under either of them.

For the purpose of making a gift of moveable property, the transfer may be effected either by a non-testamentary instrument registered and signed as aforesaid or by delivery.

Such delivery may be made in the same way as Act IX of 1872, s. 90.
goods sold may be delivered.

122. A gift comprising both existing and future
Gifts of existing and property is void as to the
future property. latter.

123. A gift of a divisible thing to two or more Burge II. 14
Gift to several, of whom donees, of whom one does not
one does not accept. accept it, is void as to the interest which he would have taken had he accepted.

124. The donor and donee may agree that on
When gift may be the happening of any specified
suspended or revoked. event which does not depend on the will of the donor a gift shall be suspended or revoked; but a gift which the parties agree shall be revocable wholly or in part at the mere will of the donor is void wholly or in part, as the case may be.

A gift may also be revoked in any of the cases Canadian Code
(save want or failure of consideration) in which, s. 811.
if it were a contract, it might be rescinded.

Save as aforesaid, a gift cannot be revoked.

Nothing contained in this section shall be deemed to affect the rights of transferees for consideration without notice.

Illustrations.

(a.) A gives a field to B, reserving to himself, with B's assent, the right to take back the field in case B and his descendants die before A. B dies without descendants in A's lifetime. A may take back the field.

(b.) A gives a lakh of rupees to B, reserving to himself, with B's assent, the right to take back at pleasure Rs. 10,000 out of the lakh. The gift holds good as to Rs. 90,000, but is void as to Rs. 10,000, which continue to belong to A.

125. If the donee or any person claiming under him is by reason of the
Donor not bound to invalidity of the donor's
warranty. title deprived of the thing

given, the donor is not responsible for loss caused thereby.

[of 1865, 126. Where a gift is in the form of a single transfer to the same person of several things of which one is, and the others are not, burdened by an obligation, the donee can take nothing by the gift unless he accepts it fully.

[of 1865, 127. Where a gift is in the form of two or more separate and independent transfers to the same person of several things, the donee is at liberty to accept one of them and refuse the others, although the former may be beneficial and the latter onerous.

A donee not competent to contract and accepting property burdened by any obligation is not bound by his acceptance. But if after becoming competent to contract he retains the property given, he becomes so bound.

Illustrations.

(a). A has shares in X, a prosperous joint stock company, and also shares in Y, a joint stock company in difficulties. Heavy calls are expected in respect of the shares in Y. A gives B all his shares in joint stock companies. B refuses to accept the shares in Y. He cannot take the shares in X.

(b). A, having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is more than the house can be let for, gives to B the lease, and also a sum of money. B refuses to accept the lease. He does not by this refusal forfeit the money.

127. Subject to the provisions of section one hundred and twenty-six, where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by the donor at the time of the gift to the extent of the property comprised therein:

128. Nothing in this chapter relates to gifts of moveable property made in contemplation of death, or shall be deemed to affect any rule of Muhammadan law.

CHAPTER VIII.

OF TRANSFERS OF ACTIONABLE CLAIMS.

129. A claim is actionable when the civil Courts recognise it as a ground for relief, whether a suit for its enforcement is or is not actually pending or likely to become necessary.

130. No transfer of any debt, or any beneficial interest in moveable property, shall have any operation against the debtor or against the person in whom the property is vested, until express notice of the transfer is given to him, unless he is a party to such transfer; and every dealing by such debtor or person, not being a party to, and not having received express notice of, a

transfer, with the debt or property shall be valid as against such transfer.

Illustrations.

(a) A owes money to B, who transfers the debt to C. B then demands the debt from A, who, having no notice of the transfer, pays B. The payment is valid, and C cannot sue A for the debt.

(b) A has jewels deposited with B, a jeweller. A mortgages them to C. A then executes an instrument transferring them to D, who takes it to B and gets the jewels from him before he, B, has received any notice of C's mortgage. B is justified in handing the jewels to D, and C has no remedy against D.

131. Every such notice must be in writing signed by the person making the transfer, or by his agent duly authorized in this behalf.

132. On receiving such notice, the debtor or person in whom the property is vested shall give effect to the transfer, unless where the debtor resides, or the property is situate, in a foreign country and the title of the person in whose favour the transfer is made is not complete according to the law of such country.

133. Where the transferor of a debt warrants the solvency of the debtor the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount of such consideration.

134. Where an actionable claim is sold, he against whom it is claimed is wholly discharged by paying to the buyer the price and incidental expenses of the sale, with interest on the price from the day that the buyer paid it.

Nothing in the former part of this section applies—

(a) where the sale is made to the co-heir or co-proprietor of the claim sold;

(b) where it is made to a creditor in payment of what is due to him;

(c) where it is made to the possessor of a property subject to the actionable claim;

(d) where the judgment of a competent Court has been delivered affirming the claim, or where the claim has been made clear by evidence and is ready for judgment.

135. No judge, pleader, clerk, bailiff or other officer connected with Courts of justice can buy any actionable claim falling under the jurisdiction of the Court in which he exercises his functions.

THE TRANSFER OF PROPERTY BILL.

Bill III, s. 83: **136.** The person to whom a debt or charge is transferred shall take it subject to all the liabilities to which the transferor was subject in respect thereof at the date of the transfer.

Mangles v. Dixon, 3 H. L. Ca. 702: Fisher, s. 1058.

Illustration.

A debenture is issued in fraud of a public company to A. A sells and transfers the debenture to B, who has no notice of the fraud. The debenture is invalid in the hands of B.

Bill III, s. 84. Dav. Conv. II, 691, 693. **137.** Where a debt is transferred for the purpose of securing an existing or future debt, the original debt, if recovered by either the transferor or transferee, is applicable, first, in payment of the costs of such recovery, secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor.

Bill III, s. 85. **138.** Save as provided by section one hundred and thirty-seven, nothing in this chapter applies to negotiable instruments.

THE SCHEDULE.

(a). STATUTE.

Year and chapter	Subject.	Extent of repeal.
27 Hen. VIII. c. 10. ...	Uses ...	The whole.
4 Wm. & Mary. c. 16 ...	Clandestine Mortgages...	The whole.

(b). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
XXIX of 1842	Lease and release ...	The whole.
XXXI of 1854	Modes of conveying land	Section 17.
XI of 1855 ...	Mesne profits and improvements.	Section 1, and in the title and preamble, the words "to mesne profits and" and "to limit the liability for mesne profits and."
XXVII of 1866	Indian Trustee Act ...	Section 31.

(b). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.
—(continued) .

Number and year.	Subject.	Extent of repeal.
IV of 1872 ...	Panjáb Laws Act ...	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XX of 1875 ...	Central Provinces Laws Act.	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XVIII of 1876...	Oudh Laws Act ...	So far as it relates to Bengal Regulation XVII of 1806.
I of 1877 ...	Specific Relief ...	In sections 35 and 36, the words "in writing."

(c). REGULATIONS.

Number and year.	Subject.	Extent of repeal.
Bengal Regulation I of 1798.	Conditional sales ...	The whole Regulation.
Bengal Regulation XVII of 1806.	Redemption ...	The whole Regulation.
Bombay Regulation V of 1827.	Mortgagees in possession	Section 15.

B.

THE MASTER AND SERVANT BILL, 1879.

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THE MASTER AND SERVANT BILL.

A Bill to define and amend the law relating to Master and Servant.

[AS REVISED BY THE INDIAN LAW COMMISSION, 1879.]

WHEREAS it is expedient to define and amend the law relating to master and servant and master and apprentice; It is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Master and Servant Act, 1880":

It extends to the whole of British India;

and it shall come into force on the first day of March, 1880.

But nothing herein contained applies to servants

of Government, as such, or to seamen as defined in Act No. I of 1859 (*for the amendment of the law relating to Merchant Seamen*); and nothing contained in sections three to twenty-five (both inclusive) applies to the Hindú, Jain, Sikh, Muhammadan and Buddhist clerks, and to the domestic and agricultural servants, of Hindús, Jains, Sikhs, Muhammadans and Buddhists.

2. The Acts mentioned in the first schedule hereto annexed shall be repealed. But all references in any enactment to any of such Acts shall be deemed to be made to the corresponding part of this Act, and all powers conferred under the second or third of such Acts shall be deemed to have been conferred hereunder.

CHAPTER II.—OF THE CONTRACT OF SERVICE.

3. A contract binding one party to employ and remunerate, and the other to do personally any work, in such manner as the former party directs, and otherwise than in pursuit of an independent calling, is called a "contract of service": the remuneration contracted for is called the

"wages": the party contracting, by himself or his agent to employ and remunerate is called the "master"; and the party contracting to do the work is called the "servant."

A "domestic servant" is a servant who contracts to do household or menial work, and includes also groom, coachman, elephant-driver, porter, cowherd,

grass-cutter, gardener, poultry-man, dog-boy, household tailor, washerman, messenger, watchman, boatman, tent-pitcher, sweeper and water-carrier.

"Fellow-servants" are servants of one person jointly engaged on his behalf in an employment with a

common object.

Persons competent to enter into contracts of service.

4. Every person competent to contract may enter into a contract of service.

Explanation.—For the purposes of this section a minor is competent to contract; but the contract cannot be enforced against him unless it is beneficial to him.

5. In the absence of express provision as to the amount of wages, the servant is presumed to contract for the wages ordinarily paid, at the place and time of entering into the contract, by masters of the same class as the master to servants of the same class as the servant.

6. In the absence of a contract or local usage to the contrary, —

(a) tutors, governesses and managers of tea-gardens, coffee-plantations, indigo-concerns, banks, breweries, cotton-mills, jute-mills, paper-mills, rice-mills, saw-mills, sugar-works and pressing-companies are presumed to be hired for a year, and the contract is terminable, on the part of either master or servant, by ninety days' notice of his intention to put an end to the service, or by payment or tender of three months' wages in advance;

(b) domestic servants are presumed to be hired for a month, and the contract is terminable, on the part of either master or servant, by fifteen days' notice of his intention to put an end to the service, or by payment or tender of fifteen days' wages in advance;

(c) agricultural servants are presumed to be hired for the season, and the contract is terminable, on the part of either master or servant, by thirty days' notice of his intention to put an end to the service, or by payment or tender of a month's wages in advance, except in the case of labourers hired under Bengal Act VII of 1873, in which case the contract is terminable, on the part of either master or servant, by ninety days' notice of his intention to put an end to the service, or by payment or tender of three months' wages in advance;

(d) artisans and workmen are presumed to be hired for no specific term, and the contract is terminable, at the will of either party, by notice to the other that the service is at an end;

(e) persons hired by piecework are presumed to be hired till the job is ended: the contract is not terminable by notice, but either party may terminate it by payment or tender of the wages agreed to be paid for the job;

(f) clerks and all other servants not herein-before provided for are presumed to be hired for

Swainson v. N. E. Railway Co., 3 Exch. Div. 344.

Bill, s. 4.

This modifies Act IX of 1872, s. 11, 3 Q. B. Div. 229.

Bill, s. 5.

As to the fortnight's notice, see Bengal Regulation VII of 1819, s. 6, repealed by Act XVII of 1862.

a month, and the contract is terminable, on the part of either master or servant, by thirty days' notice of his intention to put an end to the service, or by payment or tender of a month's wages in advance.

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Jur. 17. If the master is a public company, the order for winding it up, or where the winding-up is voluntary, the passing of the resolution authorizing the same, shall be deemed to be a notice duly given to the servant under this section, unless where express notice to put an end to the service has been duly given to the servant and is still in force.

s. 7. 7. Any notice of intention to put an end to service may, with the consent of the party receiving it, be withdrawn by the party giving it, and thereupon the service shall continue as if no such notice had been given.

s. 8. 8. A contract of service is terminated—

(a) by the death of the master, unless where the contract provides otherwise :

(b) by the death of the servant :

(c) by mutual consent of the parties :

(d) on expiration of the term of service :

(e) on expiration of a notice to put an end to the service duly given to the master or the servant :

(f) by payment or tender of wages under section six :

(g) when the master rightfully discharges the servant :

(h) when the servant rightfully quits his master's service.

The provisions of this section as to the death of a master apply, where the master is a private partnership, to its dissolution.

s. 9. 9. Where, after the termination of a contract of service, the parties continue the relation of master and servant, they are presumed, till the contrary is proved, to have renewed the contract, except as regards the term of service, if any, expressed therein.

CHAPTER III.—OF THE RIGHTS OF THE MASTER AND THE DUTIES OF THE SERVANT.

s. 10. 10. When a servant refuses or fails to enter his master's service, the master is entitled to compensation for the injury caused by the refusal or failure, unless the servant is prevented by some cause over which he has no control from performing his contract.

s. 11. 11. When a servant has entered his master's service, he is under the following obligations :—

(a) he must obey all reasonable orders relating to his employment given by his master or by any person to whom the master has expressly or impliedly delegated power to give such orders :

(b) he must abstain from intoxication during any part of his time belonging to his master :

(c) he must be respectful to his master and his master's family, guests, lodgers, visitors and customers :

(d) he must be diligent in his master's business :

(e) he must run all risks incident to the service :

(f) he must take the same care of his master's property entrusted to him as a man of ordinary prudence would, under similar circumstances, take of his own property of the same kind and value ; and he must make good any loss which he causes to his master by want of ordinary care or reasonable skill :

(g) he must indemnify his master from liability to make compensation for injury caused by any wrongful act or default of the servant :

(h) he must use his best endeavours to protect his master against the wrongful acts and defaults of his fellow-servants, if any :

(i) he must, as often as he may be reasonably required, account for money or goods received from or on account of his master, or belonging to his master and coming to the servant's hands ; and must, without demand, deliver to his master, as soon as, with reasonable diligence, he can find him, everything that he receives on his master's account :

(j) he must not set up his own title or the title of any third person to money or goods so received or coming to his hands, in opposition to his master's title thereto, except where the master's title accrued fraudulently or wrongfully, or under a voidable contract which has become void :

(k) he must continue in the service during the whole time that he has contracted for, unless the contract has been terminated under section eight ; and in the case of a domestic servant,—

(l) when he is temporarily disabled by illness from performing his duties, he must provide at his own expense a substitute satisfactory to the master, or, if the master employs and pays a substitute, allow the master to deduct such payment from his wages ; and

(m) when the master dies leaving a widow or minor children, and the widow or guardian of the children requires the servant to renew his contract for the same wages for a term not exceeding one month from the date of the death, the servant must comply with such request and the widow or guardian (as the case may be) must pay the wages accruing due to the servant during such term.

Nothing in clause (l) applies where the servant's illness arises from hurt received in the course of his employment.

12. In the absence of an express agreement to the contrary, all the time of domestic servants, not reasonably required for bathing, meals, sleep and religious duties, belongs to the master : the time of other servants belongs to the master to such

THE MASTER AND SERVANT BILL.

extent as is usual in the business in which they serve.

13. 13. A master may, without notice or payment of tender of wages, discharge his servant, whether hired for a fixed term or not, for any of the following causes :—

(a) wilful breach of the obligation imposed by section eleven, clause (a) :

(b) failure to perform either of the obligations imposed upon the servant by section eleven, clauses (b) and (c) :

(c) conduct likely to injure his master's business materially :

(d) claiming to be a partner with his master :

(e) want of reasonable skill to discharge the duties for which the servant was hired or gross negligence in their performance :

(f) illness disabling him from performing his duties for a continuous period of thirty days :

(g) imprisonment in a civil or criminal jail :

(h) wilful absence from his master's service without leave :

(i) misconduct, before or after the commencement of his service, implying a defect of character which unfits him for such service.

The existence of any such cause, though not known to the master at the time of the discharge, is sufficient to justify a discharge under this section.

CHAPTER IV.—OF THE RIGHTS OF THE SERVANT AND THE DUTIES OF THE MASTER.

14. Where a master refuses to receive his servant into his service, the servant is entitled to compensation for the injury caused by such refusal, unless at the date of the refusal a cause exists which, if he had entered the service, would have justified his discharge.

When the service is to begin on a future day, a suit for such compensation may be brought, at the option of the plaintiff, either immediately on the refusal or on or after such future day.

Illustration.

A, in September, engages a servant, B, at Rs. 30 per mensem to accompany him on tour for three months through India, to commence on the first of November. In October, A writes to B saying that he has changed his mind and no longer requires B's services. B thereupon institutes a suit against A for compensation. Afterwards, before the first of November, B obtains another engagement at Rs. 30 per mensem to commence on the first December. There exists no cause which, if B had entered the service, would have justified his discharge. B is entitled to a decree for compensation against A.

15. Where a servant has entered his master's service, the master is under the following obligations :—

(a) he must retain the servant during the time that he has contracted to do so, unless the contract has been terminated by section eight :

(b) he must pay the wages which he has contracted to pay : provided that, where such wages are payable periodically, the servant is rightfully discharged, or who quits the service, the servant is not entitled to wages for his services since the last day on which a payment became due to him under the contract :

(c) he must indemnify the servant from loss for doing any act in which he was bound by the conduct of his master to believe lawful :

(d) he must not inflict any punishment on the servant, by way of imprisonment, corporal chastisement, forfeiture of wages or otherwise, whether the servant is or is not a minor.

Nothing contained in this clause renders void any agreement under which the master or the servant has agreed to withhold the whole or any part of the servant's wages :

(e) where the master personally works with the servant, he must compensate the servant for injury caused by master's neglect ; and where the master employs such servant by the master's want of ordinary care or reasonable skill :

(f) where the servant is employed in a dangerous, the master must use reasonable endeavours to provide proper material apparatus for the work, and (2) take all reasonable precautions so as to protect the servant against unnecessary risk : and where the servant is employed in such work along with fellow-servants, (3) use reasonable endeavours to protect fellow-servants of ordinary care and reasonable skill :

(g) where the servant is a domestic servant of European birth or parentage, the master must provide the servant with food of proper description and in sufficient quantity, and, in case of sickness or hurt, with necessary medical or surgical attendance and medicine.

Illustrations.

(a) A, a servant, in obedience to the command of his master, B, commits a trespass on the property of C, having reason to believe that he is doing any injury to C. A sues B for damages and recovers Rs. 50. A is entitled to recover the Rs. 50 from B.

(b) A hires B, a brick-maker, to make bricks with a certain trademark thereon. B, having no reason to believe that the trademark was C's, proceeds to make the bricks accordingly. C sues B to restrain him from using the trademark.

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and obtains an injunction with costs which B pays. B may recover the amount so paid from A.

Drylle v. Davis, 2 B & Ad. 516.

(c) A orders his servant B to sell an unsound mare, but not to warrant her soundness. B sells the mare to C with a warranty of soundness. C sues and recovers damages from B for breach of the warranty. B cannot recover these damages from A.

Ashworth v. Blunwiz.

(d) A and B are lessees of a coal pit. B acts as banksman at the mouth of the pit, and whilst so acting is guilty of negligence whereby C, a pitman in the service of A and B, is injured. Both A and B are liable for the injury.

Bill, s. 18.
Cf. Act IX of 1872, s. 225.

16. When a servant has sustained particular injury by a breach of any of the obligations imposed on his master by section fifteen, clauses (e) and (f), the servant is entitled to compensation for such injury: provided that he could not have avoided the injury by the exercise of ordinary care, and at the time of the injury he had no reason to believe that the breach had been committed.

If by ordinary care he might have avoided injury, he is the author of his own wrong.

Illustrations.

(a) A hires B and C to row, and D to steer, his boat. A has done nothing to ascertain D's competence to act as steersman. Owing to D's want of reasonable skill, the boat collides with a ship in full sail and B and C are injured. B and C may sue A for compensation.

(b) A railway company hires A to drive a locomotive, B to be guard of a train and C to regulate the switches. The company has neglected to ascertain that C was ordinarily careful, and owing to his carelessness the train runs off the line and A is killed and B is maimed. A's legal representative and B may sue the company for compensation.

Potts v. Plunkett, Smith 214.

(c) A employs B to work as his servant in a mine. Owing to A's negligence the roof of the mine is left unsafe. B, having no reason to believe in the existence of the danger, begins to work in the mine and a stone falls from the roof and breaks B's leg. B may sue A for compensation.

(d) A orders his servant, B, to carry a bag of rice up a ladder, which A knows, but B has no reason to believe, to be unsafe. B obeys the order. The ladder breaks and B falls and fractures his thigh. B may sue A for compensation.

Bill, s. 19.

17. When a servant is wrongfully discharged, he is entitled to compensation for the injury caused by the discharge in not being allowed to serve and earn the wages contracted for.

The amount of such compensation is subject to the following rules in cases to which they are applicable:—

Sedgwick 163.
Act IX of 1872, s. 73.

(a) Where the contract is to employ for a specified term, the amount shall be the difference between the wages which the servant would have received under his contract with his master and the wages which he has, or might have, received under another contract of service:

(b) Where no term is specified, but the contract is terminable by fifteen days' notice, the amount shall be fifteen days' wages:

(c) Where no term is specified, but the contract is terminable by thirty days' notice, the amount shall be a month's wages:

(d) Where no term is specified, but the contract is terminable by ninety days' notice, the amount shall be three months' wages.

When a servant is wrongfully discharged at a place other than the place at which he entered the service, he is also entitled to the reasonable expenses of his journey back to the latter place.

18. A servant, whether hired for a fixed term Bill, s. 20.

Termination of service or not, may, without notice by servant, or payment or tender of the amount of wages, terminate the contract of service—

(a) if the master wilfully or permanently breaks any of his obligations to the servant;

(b) if the master commits against the servant any offence punishable under the Indian Penal Code, chapter XVI (*Of offences against the human body*) or XVII (*Of offences against property*);

Acts causing trifling harm are not so punishable, Act XLV of 1860, s. 95.
1 Q. B. Div. 546.

(c) if the servant is prevented by permanent illness or other cause over which he has no control from fulfilling his contract.

Illustrations.

(a). A contracts to serve B for a year for the monthly sum of Rs. 100. B refuses to pay the amount due to A for the first month. A may thereupon terminate the contract.

(b). A contracts to serve B. B voluntarily causes hurt to A. A may thereupon terminate the contract.

19. When the servant is wrongfully discharged, or when the contract of service is terminated otherwise than by his rightful discharge, the servant or his legal representative, as the case may be, is entitled, in addition to the compensation and expenses (if any) recoverable by him under this Act or any other law, to the wages (if any) due for the period during which the servant has actually served the master.

Bill, s. 21.
N. Y. Code, § 1033.
Wages when contract terminated by notice to quit given by servant, N. W. P. Rep., 1867 Misc. Rulings 1.

For the purpose of this section all wages shall (in the absence of an express agreement to the contrary) be deemed to accrue due from day to day.

CHAPTER V.—OF APPRENTICES.

20. Any child above the age of ten and under the age of eighteen years may be bound by the persons or officers hereinafter mentioned in this behalf apprentice in any fit trade, craft or employment for any specified term not exceeding seven years, so that it be not prolonged beyond the term of majority, or, in the case of females, marriage.

The persons and officers above referred to are as follows:—

(a) the father of the apprentice; or

(b) if the father is dead, the guardian of the person of the apprentice; or

(c) if there is no such father or guardian, or if the father is incompetent to contract or has abandoned his child, any Magistrate; or

(d) in the case of a child convicted of any cognizable offence, the convicting Magistrate; or

Act XIX of 1850, s. 7.

THE MASTER AND SERVANT BILL.

(e) in the case of a child brought up by any public charity, the governors, directors or managers thereof.

21. Where a boy is bound under the last preceding section apprentice in the sea service, the following conditions must be observed:—

(a) the person to whom he is bound must be a British subject and the owner of a registered ship belonging to and trading from some port in British India which has been declared to be a registering port under Act No. X of 1841;

(b) the ship in which he is to be employed must be such a ship, belonging to such a person, and commanded by a British subject, who must, when the apprentice is of European birth or parentage, be also of European birth or parentage.

The master of any ship in which an apprentice is employed shall, for the purposes of this chapter, be deemed the agent of the person to whom the apprentice is bound.

22. Every contract of apprenticeship shall be Form and contents of according to the form in the contract, second schedule hereto annexed or to the like effect, and in writing, and shall set forth particularly—

- (a) the age of the apprentice;
- (b) the term for which he is bound;
- (c) what he is to be taught;
- (d) the pecuniary consideration (if any) on either part.

23. Every such contract shall be signed as follows:—

(a) by the person to whom the apprentice is bound;

(b) by the person by whom he is bound, or when he is bound by the governors, directors or managers of a public charity, any two of them or their secretary or other officer appointed in this behalf; and

(c) by the apprentice, if he is of the age of fourteen years or more at the date of the contract.

24. No such contract shall be valid unless it is executed in manner aforesaid nor until it has been deposited—

(a) if it has been executed in any of the towns of Calcutta, Madras or Bombay and the apprentice is not bound to the sea service,—in the Court of a Presidency Magistrate;

(b) if it has been executed elsewhere in British India and the apprentice is not bound to the sea service,—in the Court of the District Magistrate;

(c) if the apprentice is bound to the sea service,—in the office of the person appointed under the said Act No. X of 1841 to make registry of ships at the port where the apprentice is to begin his service.

The Magistrate or officer in whose Court or office any such contract is deposited shall give to each

of the parties a copy thereof certified in manner provided by the Indian Evidence Act, 1872, section 76.

The age set forth in any such contract shall be evidence of the age of the apprentice in all questions arising as to the right of the master to the continuance of the service.

25. At any time during the apprenticeship the terms of service may be changed or the contract may be determined: provided that such change or determination—

(a) be with the consent of both parties to the contract or their legal representatives and of the apprentice if he is above the age of fourteen years; and

(b) be expressed in writing on the original contract with the signature of the proper parties, according to section twenty-three.

The Magistrate or registering officer shall thereupon make under his hand corresponding endorsements on the copies of the contract deposited in his Court or office.

26. The master of any apprentice may, with the consent of the person by whom he was bound or the legal representative of such person, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person who is willing to take him for the residue of his apprenticeship and subject to the conditions thereof:

Provided that such assignee shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements therein mentioned to be performed on the part of the master: and that the consent of the other parties aforesaid be expressed in writing on the same and signed by them respectively.

Every such assignment shall be certified under the hand of the Magistrate or registering officer on the copy of the contract deposited in his Court or office according to the form given in the second schedule hereto annexed.

27. If the master of any apprentice dies before the end of the apprenticeship, the following results shall ensue:—

(a) the contract of apprenticeship shall be thereby determined, and a proportionate part, corresponding to the unexpired portion of the term, of any premium which has been paid to such master on the binding of the apprentice to him, shall be returned out of the estate of the deceased by his legal representative to the person who has paid the same, unless such legal representative continues the business in which such apprentice has been employed, and within three months of the death of the late master offers in writing to keep the apprentice on the terms of the original contract; in which case the estate of

Act XIX of 1850, s. 8.

Act XIX of 1850, s. 9.

Act XIX of 1850, s. 10.

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the deceased shall be discharged from all liability in respect of such premium :

X of 1850, 20. (b) every such offer shall be fully expressed and certified by the legal representative on the original contract of apprenticeship, and also by the Magistrate or registering officer on the copy thereof so deposited ; and the apprentice shall be bound to the legal representative so keeping him for the remainder of the term of his apprenticeship :

(c) the apprentice shall be entitled to be maintained for three months from the master's death out of the assets left by him : provided that during such three months the apprentice continues to live with and serve as an apprentice the master's legal representative, or such person as he appoints.

IX of 1850, 22. 28. If the master of any apprentice is during the apprenticeship adjudged to have committed an act of insolvency or declared an insolvent, the apprentice shall be discharged from all obligation under the contract of apprenticeship ; and if any premium was paid on binding him apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof as a debt against the estate of the insolvent.

Effect of master's insolvency.

an v. Ward, M. & R. 5.

29. The rights and duties of the master as regards the apprentice, and the rights and duties of the apprentice as regards the master, are (subject to the provisions of the contract of apprenticeship) as nearly as may be the same as those set forth in sections eleven, twelve, fifteen and eighteen : provided that if an apprentice is guilty of misbehaviour, his master may chastise him in a moderate manner.

CHAPTER VI.—JURISDICTION OF MAGISTRATES.

(A).—Artisans, Workmen and Labourers.

s. 26. XIII of 1850, which applies to Presidency towns, Bombay, Madras, Assam, Sauri, Coorg, the Districts of Simar, and other places. Gold

30. When an employer advances to an artisan, workman or labourer money on account of, or to be used as material for, any specific piece of work which the latter has contracted to execute wholly or partly by himself, and such artisan, workman or labourer wilfully and without sufficient excuse neglects or refuses to perform his contract, the employer may complain to a Magistrate, who shall thereupon issue a summons or warrant, as he thinks fit, for bringing such artisan, workman or labourer before him.

If the Magistrate, after hearing such evidence as the parties may adduce, is satisfied of the truth of the complaint, he shall, at the option of the employer, either—

(a) order the artisan, workman or labourer, on or before such day as the Magistrate directs, to repay the money advanced or such part thereof as the Magistrate thinks fit, together with any materials delivered by the employer to the artisan

workman or labourer for the purpose of the contract, or

(b) order him to execute the work according to the terms of the contract.

If the artisan, workman or labourer fails to comply with either of such orders, the Magistrate may sentence him to imprisonment for a term which may extend to three months, or, when the order is for repayment of money, for such term or until such money is sooner repaid.

Where the Magistrate makes an order under clause (b), he may also, at the employer's request, require the artisan, workman or labourer to execute a bond, with sufficient sureties, for the due performance of the order ; and, in default of his executing such bond, or furnishing such sureties to the satisfaction of the Magistrate, may sentence him to imprisonment for a term which may extend to three months.

Where the bond is executed, but the order under clause (b) is not duly performed, payment of the penalty of the bond may be enforced in manner provided by the Code of Criminal Procedure, section 396, or (in the towns of Calcutta, Madras and Bombay) by the Presidency Magistrates Act, 1877, section 77.

Nothing in this section applies to cases where the advance has been in accordance with the contract, worked off or expended.

(B).—Workmen employed on Public Works.

31. Any Magistrate may enquire into and decide disputes between employers and workmen on carriage and price of work between any employers and their workmen employed in the construction of any railway, canal or other public work sanctioned by Government : Provided that the amount in dispute does not exceed two hundred rupees.

Cases under this section shall be dealt with, so far as may be, as if they were trials under the Code of Criminal Procedure, chapter XVI. But no appeal shall lie from the decision in any such case.

When the Magistrate has heard and decided the case, he shall make an order for the payment, immediately or within such time as he directs, of such sum of money (if any) as appears to him to be justly due, and, if the person ordered to pay fails to pay such sum immediately or within such time as the Magistrate directs, the Magistrate shall issue his warrant to levy the money by distress and sale of the moveable property of the defaulter.

32. Whoever contracts to work for a specified term on any such railway, canal or other public work, or to execute any specific work in connection therewith, and who wilfully and without sufficient excuse neglects or refuses to perform such contract, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty rupees.

Punishment for breach of contract to work for fixed term on railway, &c.

and silver money given to a goldsmith as raw material wherewith to make an idol has been held an advance within the meaning of Act XIII of 1850, s. 2. 6 Mad. H. C. Rulings, xxiv.

Bill, s. 27 Act IX of 1860, which now applies to the Punjab, nine Bombay Districts, Nimar, Nadiya, 24-Parganas and Baraset, part of the Central Provinces and probably elsewhere.

Bill, s. 28.

THE MASTER AND SERVANT BILL.

But the Magistrate may, at the request of the employer, instead of punishing the servant so neglecting or refusing, order him by himself or another to execute the work according to the terms of his contract; and if he fail to comply with such order, the Magistrate may sentence him to imprisonment for a term which may extend to two months.

(C).—Apprentices.

33. Upon complaint made to any Magistrate by or on behalf of any apprentice of refusal or neglect to provide for him, or to

teach him according to the contract of apprenticeship, or of cruelty or other ill-treatment by his master, or by the agent under whom he has been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he is within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium or a less premium than fifty rupees was paid, not exceeding two hundred rupees; and, if the offender fails to pay the sum so assessed, may levy the same by distress and sale of his moveable property, and, if the offender is not the master but his agent, by distress and sale of the moveable property of the master also.

Act XIX of 1850, s. 17.

34. The Magistrate may order any sum recovered under section thirty-three to be either laid out in binding the apprentice to another master, or otherwise for his benefit, or paid to the person by whom any premium was paid when he was bound apprentice.

35. No contract of apprenticeship shall be cancelled on account of moderate chastisement for misbehaviour given to any apprentice by his master or the agent of his master; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice for which he would be liable to be punished, whether or not any proceedings be taken for cancelling the contract of apprenticeship.

Act XIX of 1850, s. 15.

36. Upon complaint made to any Magistrate by or on behalf of the master of any apprentice of any ill-behaviour of such apprentice,

or if such apprentice has absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender, by an order for keeping the offender, if a boy, in confinement in any suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate may order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

37. Upon complaint of wilful and repeated ill-behaviour on part of the apprentice, and on the demand of the master, the Magistrate may order the

contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved. Such cancelling shall be with or without refund of the whole or part of any premium paid to the master on binding such apprentice as to the Magistrate seems fit; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

38. No Magistrate shall entertain a complaint on the part of a master against an apprentice unless it be brought within one

month after the cause of complaint arose; or, if the cause of complaint arose on boardship during a voyage, within one month after the arrival thereof at a port or place in British India;

and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on boardship during a voyage, within three months after the arrival of the ship at a port or place in British India.

(d).—Miscellaneous.

39. In this chapter "master" and "employer" include also any person authorized to act on behalf of a master or employer; and "Magistrate" means in the towns of Calcutta, Madras and Bombay a Presidency Magistrate, and elsewhere a Magistrate of the first or second class empowered by the Local Government to act under this chapter.

30. 40. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this chapter: provided that no person shall be punished twice for the same offence; and no order made under this chapter for the payment of money shall, while the same remains unpaid, deprive the complainant of any civil remedy which he might have had but for this Act.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject.
XIX of 1850	For the binding of Apprentices.
XIII of 1859	For the punishment of breaches of contract by artificers, workmen and labourers in certain cases.
IX of 1860	For the speedy determination of certain disputes between workmen engaged on railway and other public works and their employers.

THE SECOND SCHEDULE.

FORMS.

(See sections 22 and 26.)

A.—Form of Agreement.

This agreement, made the _____ day of _____ in the year _____ between A. B. of _____ and C. D. of _____, witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of _____ years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for _____ years (in the case of a girl add, "or until the time of her marriage, which shall first happen"), during all which term the said apprentice shall faithfully serve the said C. D. according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly and obediently, in all things towards the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) executors and administrators, in consideration of [of the premium or sum of _____ of _____ paid by the said A. B. to the said C. D., and] of the faithful ser-

vice of the said E. F., doth agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a _____ during the said term; and will also, during the said term, provide the said apprentice with good, wholesome and sufficient food, clothes, lodging, washing and all other things necessary, fit and reasonable for an apprentice (and further, *here insert any special agreements*).

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

A. B. L. S.

C. D. L. S.

B.—Form of Order of Assignment.

(To be endorsed on the Agreement.)

Be it known to all men that on the _____ day of _____ in the year _____ personally, appeared before G. H., Magistrate of _____ C. D. of _____ with E. F., his (or her) apprentice, and J. K. of _____, and desired that the agreement of apprenticeship whereby the said E. F. was bound to the said C. D. might be assigned to the said J. K., and the said G. H., having satisfied himself, by personal examination of the said E. F. and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of [the said E. F., and of] all persons whose consent thereto by law is required, doth allow such assignment; and the contract of apprenticeship whereby the said E. F. was on the _____ day of _____ in the year _____ bound to the said C. D. as an apprentice to learn the trade (craft or employment) of a _____ shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place of the said C. D., and shall be bound, for himself (or herself), his (or her) executors or administrators, to fulfil the agreements by the said C. D. to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

C. D. E. F. J. K.

In witness whereof, the said C. D., E. F. and J. K. have hereunto set their hands before me, the day and year above written.

G. H., Magistrate.

C.

THE EASEMENTS BILL, 1879.

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*A Bill to define and amend the law relating to
Easements and Licenses.*

[AS REVISED BY THE INDIAN LAW COMMISSION,
1879.]

WHEREAS it is expedient to define and amend
the law relating to Easements and Licenses; It is
hereby enacted as follows:—

Preamble.

PRELIMINARY.

1. This Act may be called
"The Easements Act, 1880."
- It extends to the whole of British India except
the scheduled districts;
- and it shall come into force
on the first day of March,
1880.
2. Nothing herein contained shall be deemed to
affect—

(a) any right of the Government to regulate
the collection, retention and distribution of the
water of rivers and streams flowing in natural
channels and of natural lakes and ponds; or of
water flowing, collected, retained or distributed in
or by any channel or other work constructed at the
public expense for irrigation;

(b) any customary or other right (not being a
license) in or over immoveable property which
the Government, the public or any person may
possess irrespective of other immoveable property;
or

(c) any right acquired, or arising out of a rela-
tion created, before this Act comes into force;

(d) any law not hereby expressly repealed.

3. Sections 26 and 27 of the Indian Limitation
Act, 1877, and the definition
of 'easement' contained in
that Act, are hereby repealed.

Repeal of Act XV of
1877, sections 26 and 27.

All references to the said sections, or to sec-
tions 27 and 28 of Act No. IX of 1871, shall be
read as made to sections fifteen and sixteen of
this Act.

CHAPTER I.—OF EASEMENTS GENERALLY.

4. An easement is a right which the owner or
occupier of certain land pos-
sesses as such for the bene-
ficial enjoyment of that land, to do and continue
to do something, or prevent and continue to pre-
vent something being done, in, or upon, or in
respect of, certain other land not his own.

The land for the beneficial enjoyment of which
the right exists is called the
dominant heritage, and the
owner or occupier thereof the

Dominant and servi-
ent heritages and owners.

dominant owner: the land on which the liability
is imposed is called the servient heritage, and
the owner thereof the servient owner.

Explanation.—In the first and second clauses of
this section, the expression 'land' includes also
things permanently attached to the earth: the
expression 'beneficial enjoyment' includes also
possible convenience, remote advantage, and even
a mere amenity; and the expression 'to do some-
thing' includes removal and appropriation by the
dominant owner, for the beneficial enjoyment of the
dominant heritage, of any part of the soil of
the servient heritage or anything growing or
subsisting thereon.

Illustrations.

(a). A, as the owner of a certain house, has a right of way
thither over his neighbour B's land for purposes connected
with the beneficial enjoyment of the house. This is an
easement.

(b). A, as the owner of a certain house, has the right to
go on his neighbour B's land, and to take water for the
purposes of his household out of a spring therein. This is
an easement.

(c). A, as the owner of a certain house, has the right to
conduct water from B's stream to supply the fountains in
the garden attached to the house. This is an easement.

(d). A, as the owner of a certain house and farm, has the
right to graze a certain number of his own cattle on B's
field, or to take, for the purpose of being used in the house,
by himself, his family, guests, lodgers and servants, water
or fish out of C's tank, or timber out of D's wood, or to
use, for the purpose of manuring his land, the leaves which
have fallen from the trees on E's land. These are ease-
ments.

(e). A dedicates to the public the right to occupy the
surface of certain land for the purpose of passing and
repassing. This right is not an easement.

(f). A is bound to cleanse a watercourse running through
his land and keep it free from obstruction for the benefit of
B, a lower riparian owner. This is not an easement.

5. Easements are either affirmative or negative. B.

Affirmative easements.

An affirmative easement is
one authorizing the dominant
owner to do in, upon or in respect of, the servient
heritage, something for the beneficial enjoyment
of the dominant heritage.

Negative easements.

A negative easement is one
binding the servient owner to refrain, for the bene-
ficial enjoyment of the dominant heritage, from
doing something in, upon or in respect of, the
servient heritage.

Illustrations.

The following are affirmative easements:—

(a). A right of way annexed to A's house over B's land.

(b). An easement annexed to A's land to conduct water
across B's land by an artificial watercourse.

(c). An easement annexed to A's house to discharge water
by a spout or conduit, or projecting eaves, on B's land.

(d). An easement annexed to A's farm to go to his neigh-
bour B's tank to water A's cattle, or to B's well to draw
water for the use of A's household.

THE EASEMENTS BILL.

(e). An easement annexed to A's land to throw back upon the lands of riparian owners higher up a natural stream water which, unless so thrown back, would pass from such lands.

(f). An easement annexed to A's land to discharge the water of a natural stream upon B's land lying lower down the stream, either polluted or with the force of its natural current increased or diminished.

(g). An easement annexed to A's dock to place the vessels therein so that their bowsprits project over B's wharf.

(h). An easement annexed to A's house to burn corpses on B's land.

(i). An easement annexed to A's land to thresh grain on B's field.

The following are negative easements :—

(j). An easement annexed to B's house to receive light and air by its windows without obstruction by his neighbour A. This binds A to refrain, for the beneficial enjoyment of B's house, from exercising his right to build on his own land.

(k). An easement annexed to A's land encumbered by buildings, to receive the support of his neighbour B's soil. This binds B to refrain, for the beneficial enjoyment of A's land, from exercising his right to excavate his own soil.

(l). An easement annexed to A's house to insert beams in, or to place beams on, his neighbour B's wall. This binds B to refrain, for the beneficial enjoyment of A's house, from exercising his right to pull down his own wall.

(m). An easement annexed to A's house to discharge the rain running from its roof upon his neighbour B's land. This binds B to refrain, for the beneficial enjoyment of A's house, from exercising his right to build on his own land so as to prevent the discharge.

(n). A customary easement annexed to B's house to restrain his neighbour A from opening doors or windows in such a position as to command a view into B's house-top or courtyard. This binds A to refrain, for the beneficial enjoyment of B's house, from exercising his right to make openings in his own walls of such a character as to interfere with B's privacy.

6. Easements are either continuous or discontinuous, apparent or non-apparent.

Continuous and discontinuous, apparent or non-apparent, easements.

A continuous easement is one whose exercise is or may be continual without the act of man.

A discontinuous easement is one that needs the act of man for its exercise.

An apparent easement is one that has some permanent visible sign of its existence.

A non-apparent easement is one that has no such sign.

Illustrations.

(a). A right annexed to B's house to receive light by the windows without obstruction by his neighbour A. This is a continuous easement.

(b). A right of way annexed to A's house over B's land. This is a discontinuous easement.

(c). Rights annexed to A's land to lead water thither across B's land by an aqueduct and to draw off water thence by a drain. These are apparent easements.

(d). A right annexed to A's house to prevent B from building on his own land. This is a non-apparent easement.

7. An easement may be permanent, or for a term of years or other limited period, or subject to periodical interruption, or exerciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

Easement for limited time or on condition.

ciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

8. Easements are restrictions of one or other Bill, s. 7. Easements restrictive of the following rights of certain rights. (namely) :—

(a). The exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same and all products thereof and accessions thereto :

(b). The right of every owner of immoveable property (subject to any law for the time being in force) to enjoy without disturbance by another the natural advantages arising from its situation.

Illustrations.

(a). The exclusive right of every owner of land in a town to build thereon, subject to any municipal law for the time being in force. N.-W. P. (1870), pp. 169, 182.

(b). The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(c). The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person. Recognized by the High Court, N.-W. P., No. 1143 of 1878, 28th November, 1878, *Mahadeo Misser v. Phaikoo Singh*.

(d). The right of every owner of land to so much light and air as pass vertically thereto. 1878, *Mahadeo Misser v. Phaikoo Singh*.

(e). The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person. 1878, *Mahadeo Misser v. Phaikoo Singh*.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure; and the "subjacent and adjacent soil" mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition. Mayor of Birmingham v. Allen, 4 L. J. Ch.

(f). The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through his land, shall not, before so passing or percolating, be unreasonably polluted by other persons.

(g). The right of every owner of land to collect, and dispose within his own limits of, all water under the land and all water on its surface which does not pass in a defined channel. Marshall 506.

(h). The right of every owner of land that the water of every natural stream which passes by, through or over his land in a defined natural channel shall be allowed by other persons to flow within such owner's limits without interruption and without material alteration in quantity, direction, force or temperature: the right of every owner of land abutting on a natural lake or pond, into or out of which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature. L. R. 6 Ind. App 33: 3 W. R. 218: 13 W. R. 48: 8 W. R. 525.

(i). The right of every owner of upper land that water naturally rising in or falling on such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto. 20 W. R. 287

(j). The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes, and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

CHAPTER II.—THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

9. An easement may be imposed by any one in the circumstances and to the extent in and to which he may transfer his interest in the servient heritage.

Illustrations.

(a). A is tenant of B's land under a lease for an unexpired term of twenty years and has power to transfer his interest under the lease. A may impose an easement on the land to continue during the time that the lease exists or for any shorter period.

(b). A is tenant for his life of certain land with remainder to B absolutely. A cannot, unless with B's consent, impose an easement thereon which will continue after the determination of his life-interest.

(c). A, B and C are co-owners of certain land. A cannot, without the consent of B and C, impose an easement on the land or on any part thereof.

(d). A and B are co-lessees of the same lessor, A of a field X for a term of five years, and B of a field Y for a term of ten years. A's interest in or his lease is transferable; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

(e). A is the trustee of certain land for the benefit of B. A cannot, without the consent of B, impose an easement on the trust-property.

10. Subject to the provisions of section nine, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(a). A has, in respect of his mill, a right to the uninterrupted flow of the water which rises to him of the water of B's stream. A may grant to C the right to divert the water of the stream from noon to sunset: provided that A's supply is not thereby diminished.

(b). A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to let his cattle on the grass growing on the way: provided that A's right of way is not thereby obstructed.

11. Subject to the provisions of section nine, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee in such, and a mortgagor may impose on the property mortgaged, any easement that does not render the security insufficient within the meaning of the Transfer of Property Act, section 63. But

a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

No lessee or other person having a derivative interest may impose on the property held by him as such an easement to take effect after the expiration of his own interest or in derogation of the right of the lessor or the superior proprietor.

12. An easement may be acquired by the owner of the dominant heritage or, on his behalf, by any person in possession of the same.

One of two or more co-owners may, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of the heritage held in co-ownership.

No lessee of immoveable property can acquire for the beneficial enjoyment of other immoveable property of his own an easement in or over the property comprised in his lease.

13. Where one person transfers or bequeathes immoveable property to another,—

(a) if an easement in other immoveable property of the transferor or testator is absolutely necessary for enjoying the subject of the transfer or bequest, the transferee or legatee shall be entitled to such easement; or

(b) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement;

(c) if an easement in the subject of the transfer or bequest is absolutely necessary for enjoying other immoveable property of the transferor or testator, the transferee or the legal representative of the testator shall be entitled to such easement; or

(d) if such an easement is apparent and continuous and necessary for enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor or the legal representative of the testator shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,—

(e) if an easement over the share of one of them is absolutely necessary for enjoying the share of another of them, the latter shall be entitled to such easement; or

(f) if such an easement is apparent and continuous and necessary for enjoying the share of the latter, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

THE EASEMENTS BILL.

The easements mentioned in this section, clauses (a), (c) and (e), are called easements of necessity.

Where immovable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(a). A sells B a field, inaccessible except by passing over A's adjoining land, or by trespassing on the land of a stranger. B is entitled to a right of way over A's adjoining land to the field sold.

(b). A, the owner of two fields, sells one to B, and reserves the other. The field reserved is inaccessible except by passing over the field sold to B. A is entitled to a right of way over B's field to the field reserved.

(c). A grants B the minerals under a certain field belonging to A. B is entitled, if there is no other way by which he can lawfully gain the minerals, to dig through the surface of the field and to carry the minerals over it.

(d). A sells B a house, with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(e). A sells B a house, with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hands.

(f). A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale was made. Here A necessarily grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such right.

(g). A is the owner of a house and adjoining land. The house has windows overlooking the land. A retaining the house, he sells the land to B, with an reservation of easement. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such right.

(h). A sells B a factory. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(i). A, the owner of two adjoining houses, Z and Y, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale was made, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale was made.

(j). A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(k). A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(l). A grants land to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

(m). Under the Land Acquisition Act, 1870, the officer of a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(n). Owing to the partition of joint property, A becomes the owner of an upper room in a building and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such amount of vertical support from B's portion as is essential for the safety of the upper room.

(o). A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

(p). A lets land to B, but excepts all the trees of a certain age growing on the land. A and the intending purchasers of the trees are entitled to a right of way over the land for the purpose of examining the trees. A is also entitled to a right of way over the land for the purpose of felling and removing the trees when they have attained the specified age.

14. When a right to a way of necessity is created Bill, s

under section thirteen, the Direction of way of transferor, the legal representative of the testator, or the owner of the share in which the right exists, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

15. Where the access and use of light or air to Bill, s and for any building have Act X Acquisition by pre- been peaceably enjoyed there- 1877, scription.

with, as an easement, and as of right, without interruption, and for twenty years,

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative), has been peaceably and openly enjoyed by any person claiming title thereto, as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support, way, watercourse, use of water or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed and it is apparent from the agreement that such right has not been granted as an easement, or if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section, unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruc-

tion is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement of support, where the soil of the dominant heritage is subjected to artificial pressure not externally apparent, or where the outward thrust of things affixed thereto is enhanced by causes not externally apparent, the said period of twenty years begins when the circumstance by which the burden on the servient heritage is increased becomes known to the servient owner.

Explanation V.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

Illustrations.

(a). A suit is brought in 1881 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement, and as of right, without interruption, from first January 1860 to first January 1880. The plaintiff is entitled to judgment.

(b). In a like suit also brought in 1881, the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1858 to 1878. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(c). In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed 'as an easement' for twenty years.

(d). In a like suit the plaintiff shews that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed 'as of right' for twenty years.

16. Provided that, when any land or water

7 Exclusion in favour of upon, over, or from which reversioner of servient any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shews that during ten

of these years C had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

17. Easements acquired under section fifteen Bill, s. 17.

Rights which cannot be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired:—

(a) a right which would tend to the total destruction of the servient heritage or the subject of the right;

(b) a right which would be inconsistent with, and not subordinate to, an actual and existing grant made by the servient owners;

(c) a right to the free passage of light or air to an open space of ground;

(d) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(e) a right to underground water not passing in a defined channel.

Explanation.—In this section the expression 'servient owner' means the person who, in case the acquisition referred to were made, would be the owner of the property on which liability would be imposed; and the expression 'servient heritage' means such property.

18. An easement may be acquired in virtue of New.

Customary easements. a local custom. Such easements are called customary easements.

Illustrations.

(a). By the custom of a certain village every cultivator of village land is entitled, as such, to graze his cattle on the common pasture. A, having bought a plot of uncultivated land in the village, breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(b). By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

19. Where the dominant heritage is transferred Bill, s. 19.

Transfer of dominant or devolves, by act of parties heritage passes ease- or by operation of law, the ment. transfer or devolution shall, unless a contrary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

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CHAPTER III.—THE INCIDENTS OF EASEMENTS.

20.

20. The rules contained in this chapter are controlled by any contract between the dominant and servient owners relating to the subject-matter and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

And when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall affect such incident.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Bar to use unconnected with enjoyment.

Illustrations.

(a). A, as owner of a farm, Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm, Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(b). A, as owner of a certain house, has a right of way to and from it. For the purpose of passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers, for this is a purpose connected with the enjoyment of the dominant heritage. So if A lets the house, he may use the right of way for the purpose of collecting the rent and seeing that the house is kept in repair.

22. The dominant owner must exercise his right in the mode which is least onerous to the servient owner; and when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined.

Exercise of easement.

Confinement of exercise of easement.

Illustrations.

(a). A has a right of way over B's field. A must enter the way at either end, and not at any intermediate point.

(b). A has a right annexed to his house to cut thatching-grass in B's swamp. A when exercising his easement must cut the grass so that the plants may not be destroyed.

23. Subject to the provisions of section twenty-two, the dominant owner may from time to time alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure, even though he does not thereby impose any additional burden on the servient tenement.

Illustrations.

(a). A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn-mill, provided that it can be worked by the same amount of water.

(b). A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves if by so doing he imposes a greater burden on B's land.

(c). A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided

that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(d). A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

24. The dominant owner is entitled, as against Bill, s. Right to do acts to the servient owner, to do all acts necessary to secure the full enjoyment of the easement; but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair as far as practicable the damage (if any) caused by the act to the servient tenement.

Acts necessary to secure the full enjoyment of the easement.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights.

Accessory rights.

Illustrations.

(a). A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(b). A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer: provided that he does not thereby impose any additional burden on B's land.

(c). A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(d). A, as owner of a certain field, has a right of way over B's land. B renders the way impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(e). A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(f). A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(g). A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

25. The expenses incurred in constructing Bill, s. works, or making repairs, or doing any other act necessary for the user or preservation of an easement, must be defrayed by the dominant owner.

Liability for expenses necessary for preservation of easement.

26. Where an easement is enjoyed by means of Bill, s. an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work.

Liability for damage from want of repair.

27. The servient owner is not bound to do Bill, s. anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement; but he must not do any act tending to restrict the easement or to render its exercise more inconvenient.

Servient owner not bound to do anything.

Illustrations.

(a). A as owner of a house has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(b). A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it, nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(c). A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(d). A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(e). A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees, so as to obstruct the passage to A's windows of that quantity of light.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect:—

Easement of necessity. An easement of necessity is co-extensive with the necessity.

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

Right of way. (a) a right of way of any one kind does not include any other kind:

(b) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by assurance or will, is the quantity of light or air that entered the opening at the time the assurance was made or the testator died:

(c) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening, is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period, irrespectively of the purposes for which it has been used:

(d) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose; and

(e) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially

Increase of easement.

increase an easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and if the dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(a). A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(b). A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(c). A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

30. Where a dominant heritage is divided

Partition of dominant heritage. between two or more persons, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: provided that such annexation is consistent with the terms of the instrument or decree (if any) under which the division was made or the easement was imposed and, in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(a). A house, to which a right of way by a particular path is annexed, is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(b). A house, to which is annexed the right of drawing water from a well to the extent of fifty buckets a day, is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day, but the amount drawn by both must not exceed fifty buckets a day.

(c). A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

31. In case of excessive user of an easement,

Obstruction in case of excessive user. the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

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Illustration.

A, having a right to the free passage over B's land of light to four windows, six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.—THE DISTURBANCE OF EASEMENTS.

32. The owner or occupier of the dominant Right to enjoyment heritage is entitled to enjoy without disturbance the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

33. The owner of any interest in the dominant Suit for disturbance of heritage, or the occupier of easement, such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto: provided that the disturbance has actually caused substantial damage to the plaintiff.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage, is substantial damage within the meaning of this section and section thirty-five.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial, within the meaning of this section, unless it falls within the first Explanation, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit.

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial, within the meaning of this section, if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health.

Illustrations.

(a). A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(b). A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground and so as not to occasion any inconvenience to foot-passengers using the way. This is not substantial damage to A.

34. The removal of the means of support to which When cause of action arises for removal of support, a dominant owner is entitled does not give rise to a right to recover compensation unless and until substantial damage is actually sustained.

35. The circumstance that air or water, the Bill, s. 31

Polluting air and water subject of an easement, is previously impure, already polluted by similar or different means does not, of itself, deprive the dominant owner of his right to recover compensation from any person who adds to the pollution.

36. Where the disturbance of an easement is Bill, s. 3 Suit for continuing continued after compensation disturbance, has been recovered for the original act of disturbance, another suit may be instituted for compensation for the continuance; and the decision in the former suit is no bar to the latter.

37. Subject to the provisions of the Specific Bill, s. 3 Injunction to restrain Relief Act, 1877, sections 52 disturbance, to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement—

(a) if the easement is actually disturbed,—when compensation for such disturbance might be recovered under this chapter:

(b) if the disturbance is only threatened or intended,—when the act threatened or intended must necessarily, if performed, disturb the easement.

38. Notwithstanding the provisions of section Bill, s. 38. Abatement of obstruc- twenty-four, the dominant 7 Mad. tion of easement. owner cannot himself abate C. Ruff a wrongful obstruction of an easement. XXXV.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

39. When, from a cause which preceded the Bill, s. 39. Extinction by dissolu- imposition of an easement, tion of right of servient the person by whom it was owner, imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section eleven.

Illustrations.

(a). A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(b). A, in 1860, lets Sultánpur to B for thirty years from the date of the lease. B, in 1861, imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(c). A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(d). A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section eleven. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

- o. **40. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.**
 Extinction by release.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(a) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(b) where any permanent alteration is made in the dominant heritage of such a nature as to shew that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(a). A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(b). A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(c). A, having the right to discharge his cavedroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished.

(d). A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(e). A, having a projecting roof by means of which he enjoys an easement to discharge cavedroppings on B's land, alters the roof, so as to direct the rain-water into a different channel and discharge it on C's land. The easement is impliedly released.

1. **41. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.**
 Extinction by revocation.

2. **42. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.**
 Extinction on expiration of limited period or happening of dissolving condition.

13. **43. An easement of necessity is extinguished when the necessity comes to an end.**
 Extinction on termination of necessity.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that

land over which he can pass to his field. The right of way over A's land, which B had acquired, is extinguished.

- 44. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.**
 Extinction of useless easement.

45. An easement is extinguished—
 (a) where the dominant heritage is substantially changed and it is not proved that the easement was intended to continue annexed thereto notwithstanding such change, or
 (b) where, by any change in the dominant heritage, the burden on the servient heritage is materially increased, and cannot be reduced to its original limits, and it is not proved that the burden was intended to be increased by such change.

46. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer exercise his right:
 Extinction on permanent alteration of servient heritage by superior force.

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section fourteen apply to such way.

Illustrations.

(a). A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently, and runs through C's land. B's easement is extinguished.

(b). Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

- 47. An easement is extinguished when either the dominant or the servient heritage is completely destroyed.**
 Extinction by destruction of either heritage.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

- 48. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages.**
 Extinction by unity of ownership.

Illustrations.

(a). A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field, to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(b). The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section 43.

(c). The servient owner acquires the dominant heritage in common with a third person: the easement is not extinguished.

(d). The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

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(e). The joint owners of the dominant heritage jointly acquire the servient heritage : the easement is extinguished.

(f). A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(g). A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

49. A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

A discontinuous easement is extinguished when, for a like period, it has not been exercised or the dominant owner has not registered under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner, and in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registers the said declaration.

Where an easement is exercisable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(a) when the cessation is in pursuance of a contract between the dominant and servient owners ;

(b) when the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or

(c) when the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

50. **50.** When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section forty-nine. The right of way is also extinguished.

51. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

52. The servient owner has no right to require that an easement be continued ; and, notwithstanding the provisions of section twenty-six, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Where such notice has not been given, the servient owner is entitled to compensation for damage done to the servient heritage by such extinguishment or suspension.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

53. An easement extinguished under section forty-seven revives (a) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion, (b) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site, and (c) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient tenement.

An easement extinguished under section forty-eight revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section forty-nine.

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z

for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C or surrenders it to B, the right of way revives.

CHAPTER VI.—LICENSES.

54. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.

55. A license may be granted by any one in the circumstances and to the extent in and to which he may transfer his interest in the property affected by the license.

56. The grant of a license may be express or implied from the conduct of the grantor; and an agreement purporting to create an easement, which is ineffectual for that purpose, may operate to create a license.

57. All licenses necessary for the enjoyment of any interest or the exercise of any right are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

58. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustration.

A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

59. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is and the licensee is not aware.

60. The grantor of a license is bound not to do anything likely to render the property affected by the license unsafe to the licensee.

61. When the grantor of the license transfers the property affected thereby, the transferee is not bound by the license.

62. A license may be revoked by the grantor, unless

(a) it is coupled with a transfer of property and such transfer is in force;

(b) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

63. The revocation of a license may be express or implied.

Illustrations.

(a) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(b) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked.

64. A license is deemed to be revoked—

(a) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license;

(b) when the licensee releases it, expressly or impliedly, to the grantor or his representative;

(c) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance of a specified act, and the period expires or the condition is fulfilled;

(d) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right;

(e) where the licensee becomes entitled to the absolute ownership of the property affected by the license;

(f) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable;

(g) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist;

(h) where the license totally ceases to be used as such for an unbroken period of twenty years and such cessation is not in pursuance of a contract between the grantor and the licensee;

(i) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

65. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property.

66. Where a license has been granted for consideration and the licensee without any fault of his own is evicted by the licensor before he has fully enjoyed under the license the right for which he contracted, he is entitled to recover compensation from the licensor.

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THE PRIVATE TRUSTS BILL, 1879.

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THE SCHEDULE.

THE PRIVATE TRUSTS BILL.

A Bill to define and amend the law relating to Private Trusts and Trustees.

[AS REVISED BY THE INDIAN LAW COMMISSION, 1879.]

WHEREAS it is expedient to define and amend the law relating to private trusts and trustees; It is hereby enacted as follows:—

CHAPTER I.
PRELIMINARY.

1. This Act may be called "The Private Trusts Act, 1879:" and it shall come into force on the first day of March, 1880.

It extends to the whole of British India; but nothing herein contained affects the rules of Muhammadan law as to *wagf*, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, or to trusts to distribute prizes taken in war among the captives; and nothing in the second chapter of this Act applies to trusts created before the said day.

2. On and from that day the Statutes and Acts mentioned in the schedule hereto annexed shall be repealed to the extent therein mentioned.

3. A "trust" is an obligation annexed to the ownership of property and arising out of a confidence reposed in and accepted by the owner or declared and accepted by him, for the benefit of another, or of another and the owner:

the person who reposes or declares the confidence is called the "author of the trust": the person who accepts the confidence is called the "trustee": the person for whose benefit the confidence is accepted is called the "beneficiary": the subject-matter of the trust is called "trust-property", or "trust-money": the "beneficial interest" or "interest" of the beneficiary is his right against the trustee as owner of the trust-property; and the instrument, if any, by which the trust is declared is called the "instrument of trust":

A breach of any duty imposed on a trustee, as such, by any law for the time being in force, is called a "breach of trust".

and in this Act, unless there be something repugnant in the subject or context, "registered" means registered under the law for the registration of documents for the time being in force: a person is said to have "notice" of a fact either when he actually knows that fact or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229; and all expressions used herein and defined in the Indian Contract Act, 1872, shall be deemed to have the meanings respectively attributed to them by that Act.

CHAPTER II.

OF THE CREATION OF TRUSTS.

4. A trust may be created for any lawful purpose. The purpose of a trust is lawful, unless it is (a) forbidden by law, or (b) is of such a nature that if permitted it would defeat the provisions of any law, or (c) is fraudulent, or (d) involves or implies injury to the person or property of another, or (e) the Court regards it as immoral or opposed to public policy. Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

Explanation:—In this section, the expression "law" includes, where the trust-property is immoveable and situate in a foreign country, the law of such country.

Illustrations.

(a) A conveys property to B in trust to apply the profits to the nurture of female foundlings to be trained up as prostitutes. The trust is void.
(b) A conveys property to B in trust for C for his life and after his death to D for his life, and after D's death to such of the sons of D as shall first attain the age of 25. A, B, C and D are persons to whom the Indian Succession Act, 1865, applies. The trust after D's death is void.
(c) A bequeaths property to B in trust to employ it in carrying on a smuggling business, and out of the profits thereof to support A's children. The trust is void.
(d) A, while in insolvency, transfers property to B in trust for A during his life, and after his death for B. A is declared an insolvent. The trust for A is invalid as against his creditors.

5. No trust in relation to immoveable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or by the will of the author of the trust or the trustee.

No trust in relation to moveable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

These rules do not apply where they would operate so as to effectuate a fraud.

6. Subject to the provisions of section five, a trust is created when the author of the trust indicates with reasonable certainty, by any words or acts, (a) an intention on his part to create thereby a trust, (b) the purpose of the trust, (c) the beneficiary, and (d) the trust-property, and (unless the trust is declared by will, or the author of the trust is himself to be the trustee) transfers the trust-property to the trustee.

Illustrations.

(a) A bequeathes certain property to B, "having the fullest confidence that he will dispose of it for the benefit of C." This creates a trust so far as regards A and C.

(b) A bequeathes certain property to B, "hoping he will continue it in the family." This does not create a trust, as the beneficiary is not indicated with reasonable certainty.

(c) A bequeathes certain property to B, requesting him to distribute it amongst such members of C's family as B should think most deserving. This does not create a trust, for the beneficiaries are not indicated with reasonable certainty.

(d) A bequeathes certain property to B, desiring him to divide the bulk of it among C's children. This does not create a trust, for the trust-property is not indicated with sufficient certainty.

(e) A bequeathes a shop and stock-in-trade to B on condition that he pays A's debts and a legacy to C. This is a condition, not a trust for A's creditors and C.

7. A trust may be created—

(a) by every person competent to contract, and

(b) with the permission of a principal Civil Court of original jurisdiction, by or on behalf of a minor;

but subject in each case to the law for the time being in force as to the circumstances and extent in and to which the author of the trust may dispose of the trust-property.

8. The subject-matter of a trust must be property transferable to the beneficiary.

It must not be a merely beneficial interest under a subsisting trust.

9. Every person capable of holding property may be a beneficiary.

A proposed beneficiary may renounce his interest in the trust by disclaimer addressed to the trustee, or by setting up, with notice of the trust, a claim inconsistent therewith.

10. Every person capable of holding property may be a trustee; but where the trust involves the exercise of discretion, he cannot execute it unless he is competent to contract.

No one is bound to accept a trust.

No one is bound to accept a trust.

Subject to the provisions of section five, a trust is accepted by any words or acts of the trustee, indicating with reasonable certainty such acceptance.

Instead of accepting a trust, the intended trustee may, within a reasonable period, disclaim it, and such disclaimer shall prevent the trust-property from vesting in him.

A disclaimer by one of two or more co-trustees vests the trust-property in the other or others and makes him or them sole trustee or trustees from the date of the creation of the trust.

Illustrations.

(a) A bequeathes certain property to B and C, his executors as trustees for D. B and C prove A's will. This is, in itself, an acceptance of the trust, and B and C hold the property in trust for D.

(b) A transfers certain property to B, in trust to sell it and to pay out of the proceeds A's debts. B accepts the trust and sells the property. So far as regards B, a trust of the proceeds is created for A's creditors.

(c) A bequeathes a lakh of rupees to B upon certain trusts and appoints him his executor. B severs the lakh from the general assets and appropriates it to the specific purpose. This is an acceptance of the trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

11. The trustee is bound to fulfil the purpose of the trust, and to obey the directions of the author of the trust given at the time of its creation, except as modified by the consent of all the beneficiaries being competent to contract.

Where the beneficiary is incompetent to contract, his consent may, for the purposes of this section, be given by a principal Civil Court of original jurisdiction.

Nothing in this section shall be deemed to require a trustee to obey any direction when to do so would be impracticable, illegal or manifestly injurious to the beneficiaries.

Explanation.—Unless a contrary intention be expressed, the purpose of a trust for the payment of debts shall be deemed to be (a) to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and (b) in the case of debts not bearing interest, to make such payment without interest.

Illustrations.

(a) A, a trustee, is simply authorised to sell certain land by public auction. He cannot sell the land by private contract.

(b) A, a trustee for X, Y and Z, is authorised to sell certain land to B for a specified sum. X, Y and Z, being competent to contract, consent that A may sell the land to C for a less sum. A may sell the land to C.

Bill, s. 10.
Lewin 180.
N. Y. Code,
§ 1174, requires a consideration in case of acknowledgment.

Disclaimer may be by parol, *Diaghiam v. Clamorris*.

Mucklow v. Fuller, Williams Exors., 1287, 1796.

Sheridan v. Jones, 401.

Enl. s. 11.
Lewin 190.

Lewin 171.

Lewin 177.

THE PRIVATE TRUSTS BILL.

Boss v. Godsal,
Lewin 291:
2 Spence
926 n.
Another case,
Morris v. M.
4 Jur. N. S.
302.

(c) A, a trustee for B and her children, is directed by the author of the trust to lend, on B's request, trust-property to B's husband, C, on the security of his bond. C becomes insolvent, and B requests A to make good the loan. A may refuse to make it.

Bill, s. 12.
Lewin 190.
243, 264, 268.

12. A trustee is bound to acquaint himself as soon as possible with the nature and circumstances of the trust-property; to obtain, where necessary, a transfer of the trust-property to himself; and (subject to the provisions of the instrument of trust) to get in trust-moneys invested on insufficient or hazardous security.

Illustrations.

4 Moo. 1. A.
452.

(a). The trust-property is a debt outstanding on personal security. The instrument of trust gives the trustee no discretionary power to leave the debt so outstanding. The trustee's duty is to recover the debt without unnecessary delay.

Lewin 216
2 Spence 929:
Tai Jader v. Tribhukndas,
9 Bomb. 333.

(b). The trust-property is money in the hands of one of two co-trustees. No discretionary power is given by the instrument of trust. The other co-trustee must not allow the former to retain the money for a longer period than the circumstances of the case require.

Bill, s. 13.
Spence 46,
196, 923:
Act 1 of 1877,
s. 10, expl. 1.

13. A trustee is bound to maintain and defend all such suits, and (subject to the provisions of the instrument of trust) to take such other steps as, regard being had to the amount or value of the trust-property, may be reasonably requisite for the preservation of the trust-property and the assertion or protection of the title thereto.

Illustration.

See *Macnamara v. Carey*, 1 Ir. L. R. Eq. 9,
cited Lewin 771.

The trust-property is immoveable property which has been given to the author of the trust by an unregistered instrument. Subject to the provisions of the Indian Registration Act, 1877, the trustee's duty is to cause the instrument to be registered.

Bill, s. 18.
Lewin 262:
Underbill 121

14. The trustee must not for himself or another set-up or aid any title to the trust-property adverse to the interest of the beneficiary.

Bill, s. 14.
Lewin 270:
2 Spence 917,
933:
Act IX of
1872, ss. 151,
152:
N. Y. Code,
s. 1197

15. A trustee is bound to deal with the trust-property as carefully as a man of ordinary prudence would deal with such property if it were his own; and, in the absence of a contract to the contrary, a trustee so dealing is not responsible for the loss, destruction or deterioration of the trust-property.

Illustrations.

Lewin 234:
Berge III,
968.

(a). A, living in Calcutta, is a trustee for B, living in Bombay. A remits trust-funds to B, by bills drawn by a person of undoubted credit in favour of the trustee as such, and payable at Bombay. The bills are dishonoured. A is not bound to make good the loss.

2 Spence 933:
Grant's *Bankers*, third edition, 351.

(b). A, a trustee of leasehold property, directs the tenant to pay the rents on account of trust to a banker, B, then in credit. The rents are accordingly paid to B, and A leaves the money with B only till wanted. Before the money is drawn out, B becomes insolvent, A having had no reason to believe that B was in insolvent circumstances. A is not bound to make good the loss.

(c). A, a trustee of two debts for B, releases one and compounds the other, in good faith and reasonably believing that it is for B's interest to do so. A is not bound to make good any loss caused thereby to B.

(d). A, a trustee directed to sell the trust-property by auction, sells the same, but does not advertise the sale and otherwise fails in reasonable diligence in inviting competition. A is bound to make good the loss caused thereby to the beneficiary.

(e). A, a trustee for B, in execution of his trust, sells the trust-property, but from want of due diligence on his part, fails to receive part of the purchase-money. A is bound to make good the loss thereby caused to B.

(f). A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums, and the policy is consequently forfeited. A is bound to make good the loss to B.

(g). A bequeathes certain moneys to B and C as trustees, and authorises them to continue trust-moneys upon the personal security of a certain firm in which A had himself invested them. A dies and a change takes place in the firm. B and C must not permit the moneys to remain upon the personal security of the new firm.

(h). A, a trustee for B, allows the trust to be executed solely by his co-trustee C. C misapplies the trust-property. A is personally answerable for the loss resulting to B.

16. Where the trust is created for the benefit of several persons in succession, and the trust-property is of a wasting nature or a future or reversionary interest, the trustee is bound, unless an intention to the contrary may be inferred from the instrument of trust, to convert the property into property of a permanent and immediately profitable character.

Illustrations.

(a). A bequeathes to B all his property in trust for C during his life, and on his death for D, and on D's death for E. A's property consists of three leasehold houses, and there is nothing in A's will to shew that he intended the houses to be enjoyed in specie. B should sell the houses, and invest the proceeds in accordance with section twenty.

(b). A bequeathes to B his three leasehold houses in Calcutta and all the furniture therein in trust for C during his life, and on his death for D, and on D's death for E. Here an intention that the houses and furniture should be enjoyed in specie appears clearly, and B should not sell them.

17. Where there are more beneficiaries than one, the trustee is bound to be impartial, and must not execute the trust for the advantage of one at the expense of another.

Where the trustee has a discretionary power, nothing in this section shall be deemed to authorise the Court to control the exercise reasonably and in good faith of such discretion.

Illustration.

A, a trustee for B, C and D, is empowered to choose between several specified modes of investing the trust-property. A in good faith chooses one of these modes. The Court will not interfere, although the result of the choice may be to vary the relative rights of B, C and D.

18. Where the trust is created for the benefit of several persons in succession, and one of them is in possession of the trust-property, if he commits, or threatens to commit, any act which is destructive or permanently injurious

thereto, the trustee must take measures to prevent such act.

in 591: sence 921. 19. A trustee is bound (a) to keep clear and accurate accounts of the trust-property, and (b), at all reasonable times, at the request of the beneficiary, to furnish him with full and accurate information as to the amount and state of the trust-property.

s. 20. XXVIII 866, ss. 5 22. 20. Where the trust-property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee must (subject to any direction contained in the instrument of trust) invest the money on the following securities and on no others:—

3 & 24 c. 145. (a) in promissory notes, debentures, stock or other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;

(b) in bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

2 & 33 c. 132. (c) in stock or debentures of, or shares in, Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council;

4 & 35 c. 47. (d) in debentures or other securities for money issued by, or on behalf of, any municipal body, under the authority of any Act of a Legislature established in British India;

n 298: sence 925: eav. 600. (e) on a first mortgage of immoveable property situate in British India: provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the mortgage-money; or,

(f) on any other security expressly authorised by the instrument of trust:

Statute pte in- nent on ols. Provided that, where there is a person competent to contract and entitled in possession to receive the income of the trust-property for his life, or for any greater estate, no investment on any security mentioned or referred to in clauses (d), (e) and (f) shall be made without his consent in writing.

28 Vic., 4, s. 61. Nothing in this section shall be deemed to preclude an investment pledged to Government on a mortgage of immoveable property already pledged as security for an advance under the Land Improvement Act, 1871, or, in case the trust-money does not exceed one thousand rupees, a deposit thereof in a Government Savings Bank.

s. 21, 2. 58. 21. Where a trustee directed to sell within a specified time extends such time as between himself and the beneficiary, the burden of proving that the latter is not prejudiced by the extension lies upon the trustee, unless the extension has been authorised by a principal Civil Court of original jurisdiction.

Illustration.

A bequeathes property to B, directing him, with all convenient speed and within five years, to sell it, and apply the proceeds for the benefit of C. In the exercise of reasonable discretion, B postpones the sale for six years. The sale is not thereby rendered invalid, but C, alleging that he has been injured by the postponement, institutes a suit against B to obtain compensation. In such suit the burden of proving that C has not been injured lies on B. Lewin 390.

22. When the purpose of the trust is completely fulfilled, the trustee must on demand transfer the trust-property to his beneficiary, unless the trustee has notice of any title in another which is paramount to the beneficiary's interest and of an intention to assert such title. Bill, s. 22. 2 Spence 47: Smith, § 3129.

23. Where the trustee commits a breach of trust, he is liable to make good the loss which the trust-property has thereby sustained, unless the beneficiary has by fraud induced the trustee to commit the breach, or the beneficiary, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, concurred in the breach, or subsequently acquiesced therein, with full knowledge of the facts of the case and of his rights as against the trustee: Bill. Lewin 768. 2 Spence 936. Williams Exors. 1739. Includes a fraudulent minor: L. R. 2 Eq. 538: Walker v. Symonds. Swanst. 1 W. & T. 175. 2 Spence 936.

Illustrations.

(a) A trustee improperly leaves trust-property outstanding and it is consequently lost. He is liable to make good the property lost, but he is not liable to pay interest thereon. Lewin 315: 1 Moo. L. A. 152. N. twitstanding indemnity clause, 29 B. 213.

(b) A bequeathes a house to B in trust to sell it and pay the proceeds to C. B neglects to sell the house for a great length of time, whereby the house is deteriorated and its market price falls. B is answerable to C for the loss.

(c) A trustee is guilty of unreasonable delay in investing trust-money in accordance with section twenty or in paying it to the beneficiary. The trustee is liable to pay interest thereon for the period of the delay. Lewin 310.

(d) The duty of the trustee is to invest trust-money in any of the securities mentioned in section twenty, clause (a), (b), (c) or (d). Instead of so doing, he retains the money in his hands. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and interest or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, and the intermediate dividends and interest thereon. Lewin 307. 2 Spence 921.

(e) The instrument of trust directs the trustee to invest trust-money either in any of such securities, or on mortgage of immoveable property. The trustee does neither. He is liable for the principal-money and interest. 2 Spence 925: Robinson v. DeG. M. & G. 256.

(f) The instrument of trust directs the trustee to invest trust-money in any of such securities and to accumulate the dividends thereon. The trustee disregards the direction. He is liable at the option of the beneficiary to be charged either with the amount of the principal-money and compound interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, together with the amount of the accumulation which would have arisen from a proper investment of the intermediate dividends. 2 Spence 927: Prade v. Fooks, 2 Beav. 430: Lewin 315: 1 Seton 479.

(g) Trust-property is invested in one of the securities mentioned in section twenty, clause (a), (b), (c) or (d). The trustee sells such security for some purpose not authorised by the terms of the instrument of trust. He is liable at the option of the beneficiary either to replace the security, with the intermediate dividends and interest thereon, or to account for the proceeds of the sale thereon. Lewin 305.

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Where a trustee has by mistake made an over-payment to the beneficiary, he may re-imburse the trust-property out of the beneficiary's interest. If such interest fail, the trustee is entitled to recover from the beneficiary personally the amount of such over-payment.

3. **33.** A person other than a trustee who has gained an advantage from a breach of trust must indemnify the trustee to the extent of the amount actually received by such person under the breach; and where he is a beneficiary, the trustee has a charge on his interest for such amount.

Nothing in this section shall be deemed to entitle a trustee to be indemnified who has in committing the breach of trust been guilty of fraud.

III **34.** Any trustee may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for its opinion, advice or direction on any present questions respecting the management or administration of the trust-property other than questions of detail, difficulty or importance, not proper for summary disposal.

A copy of such petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

The trustee stating in good faith the facts in such petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, in the subject-matter of the application.

The costs of every application under this section shall be in the discretion of the Court to which it is made.

6: **35.** When the duties of a trustee, as such, are completed, he is entitled to have the accounts of his administration of the trust-property examined and settled, and where nothing is due to the beneficiary under the trust, to an acknowledgment in writing to that effect.

k **36.** In addition to the powers expressly conferred by this Act and by the instrument of trust, and subject to the restrictions, if any, contained in such instrument and to the provisions of section seventeen, a trustee may do all acts which are reasonable and proper for the realisation, protection or benefit of the trust-property, and for the protection or support of a beneficiary who is not competent to contract.

ie., Every trustee in the actual possession or receipt of the rents and profits of land as defined in the Land Improvement Act, 1871, shall be deemed to be a landlord for the purposes of that Act.

Except with the permission of a principal Civil

Court of original jurisdiction, no trustee shall lease trust-property for a term exceeding twenty-one years from the date of executing the lease, nor without reserving the best yearly rent that can be reasonably gotten.

37. Where the trustee is empowered to sell any trust-property, he may sell the same either together or in lots, and either by public auction or private contract, and either at one time or at several times, unless the instrument of trust otherwise directs.

38. The trustee making any such sale may insert such stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale, as he thinks fit; and may also buy-in the property or any part thereof at any sale by auction, and rescind or vary any contract for sale, and re-sell the property so bought in, or as to which the contract is so rescinded, without being responsible to the beneficiary for any loss occasioned thereby.

Where a trustee is directed to sell trust-property, or to invest trust-money in the purchase of property, he may exercise a reasonable discretion as to the time of effecting the sale or purchase.

Illustrations.

(a) A bequeathes property to B, directing him to sell it with all convenient speed and pay the proceeds to C. This does not render an immediate sale imperative.

(b) A bequeathes property to B, directing him to sell it at such time and in such manner as he shall think fit and invest the proceeds for the benefit of C. This does not authorise B, as between him and C, to postpone the sale to an indefinite period.

39. For the purpose of completing any such sale, the trustee shall have power to convey or otherwise dispose of the property sold in such manner as may be necessary.

40. A trustee may, at his discretion, call in any trust-property invested in any security and invest the same on any of the securities mentioned in section twenty, and from time to time vary any such investments for others of the same nature:

Provided that, where there is a person competent to contract and entitled at the time to receive the income of the trust-property for his life, or for any greater estate, no such change of investment shall be made without his consent in writing.

41. Where any property is held by a trustee in trust for a minor, such trustee may, at his discretion, pay to the guardians (if any) of such minor, or otherwise apply for or towards his maintenance or education, or advancement in life, or the reasonable

expenses of his marriage or funeral, the whole or any part of the income to which he may be entitled in respect of such property; and such trustee shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in any of the securities mentioned in section twenty for the benefit of the person who shall ultimately become entitled to the property from which such accumulations have arisen: Provided that such trustee may at any time, if he thinks fit, apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Where the income of the trust-property is insufficient for the minor's maintenance or education, or advancement in life, or the reasonable expenses of his marriage or funeral, the trustee may, with the permission of a principal Civil Court of original jurisdiction, but not otherwise, apply the whole or any part of such property for or towards such maintenance, education, advancement or expenses.

Nothing in this section shall be deemed to affect the provisions of any local law for the time being in force relating to the persons and property of minors.

42. A trustee may give a receipt in writing for any money paid or property transferred to him by reason of or in the exercise of any trust reposed in him, and in the absence of fraud such receipt shall discharge the person paying or transferring the same therefrom, and from seeing to the application thereof, or being accountable for any loss or misapplication thereof.

43. When an authority to deal with the trust-property is given to several trustees and one of them disclaims or dies, the authority may be exercised by the continuing trustees, unless from the terms of the instrument of trust it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

44. Where a decree has been made in a suit for the execution of a trust, the trustee must not exercise any of his powers except in conformity with such decree or with the sanction of the Court by which the decree has been made or, where an appeal against the decree is pending, of the Appellate Court.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

45. A trustee who has accepted the trust cannot afterwards renounce it, except (a) with the permission of a principal Civil Court of original jurisdiction, or (b) if the beneficiary is competent to contract, with his consent, or (c) by virtue of a special power in the instrument of trust.

46. A trustee cannot delegate his office, or any of his duties, either to a co-trustee or to a stranger, unless (a) the instrument of trust so provides, or (b) the delegation is in the regular course of business, or, (c) the delegation is necessary, or (d) the beneficiary, being competent to contract, consents to the delegation.

Explanation.—The appointment of an attorney or proxy to do an act merely ministerial and involving no independent discretion is not a delegation within the meaning of this section.

Illustrations.

(a) A bequeathes certain property to B and C on certain trusts to be executed by them or the survivor of them or the assigns of such survivor. B dies. C may bequeath the trust-property to D and E upon the trusts of A's will.

(b) A is a trustee of certain property with power to sell the same. A may employ an auctioneer to effect the sale.

(c) A bequeathes to B fifty houses let at monthly rents in trust to collect the rents and pay them to C. B may employ a proper person to collect these rents.

47. When there are more trustees than one, all must join in the execution of the trust, except where the instrument of trust otherwise provides.

48. Where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by a principal Court of original civil jurisdiction.

49. In the absence of express directions to the contrary contained in the instrument of trust, or of a contract to the contrary entered into with the beneficiary or the Court at the time of accepting the trust, a trustee has no right to remuneration for his trouble, skill and loss of time in executing the trust.

Nothing in this section applies to any Official Trustee, Administrator General, Public Curator or person holding a certificate of administration.

50. A trustee may not use or deal with the trust-property for his own profit or for any other purpose unconnected with the trust.

51. No trustee whose duty it is to sell trust-property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, buy the same, or any interest therein, on his own account or as agent for a third person.

52. No trustee, and no person who has recently ceased to be a trustee, may, without the permission of a principal Civil Court of original jurisdiction, buy or

Acts XL
1858, XX
1861, and
11 of 1874.

l. s. 42.
t XXVIII
1866, s. 36,
ortened.

l. s. 43.
tchelson v.
er, 8 Sim.

l. s. 44.
in 230:
ith § 1138:
nt IV,
n.

Bill, s. 45.
2 Calc. Rep:
Lewin 231:
3 Spence 920.

4 DoG. & J.
259.

Bill, s. 46.
Lewin 236:
Kent IV, 33:
N. Y. Code,
1203.

Bill, s. 47.
N. Y. Code,
§ 1204:
Lewin 530,
531:

2 Spence 87
Kerr, *Injun-
tions*,
461: *Re
Hodges*,
Chan. D. 75

Bill, s. 48.
Lewin,
253, 258, 54
512:
2 Spence 94
1 W. & T.
231:
6 Beng. 278.

As to them,
see Acts XVI
of 1864,
11 of 1874,
XX of 1858
and XX of
1864.

Bill, s. 49.
N. Y. Code,
§ 1178.

Bill, s. 50.
Lewin 438,
440.

Bill, s. 51.
Contra Lewin
441:
2 Spence 912
944:
Part 43:
Rule does not

apply to passive trustees:
Pooley v. Quilter, 4 Drew. 189:
Dart 44.

Dart 34.

become mortgagee or lessee of the trust-property or any part thereof, and such permission shall not be given unless the purchase, mortgage or lease is manifestly for the advantage of the beneficiary.

And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for his beneficiary may buy it, or obtain a mortgage or lease of it, for himself.

Bill, s. 52.
Lewin 298.

53. A trustee or co-trustees whose duty it is to invest trust-money on mortgage or personal security must not invest it on a mortgage by, or on the personal security of, himself or one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

Bill, s. 53.
1 Spence 496.

54. The beneficiary has a right to the rents and profits of the trust-property; and, where he is exclusively interested in the trust-property and competent to contract, he may require the trustee to transfer the possession of the property to him or to such person as he directs. But where other persons are also interested therein, the Court may, in its discretion, direct, either that the trustee shall remain in possession of the trust-property, or that it shall be transferred to the beneficiary, under such conditions and restrictions as the Court in each case thinks fit.

Lewin 576,
585:
3 Beng. A. C. J. 409:
3 Beng. O. C. J. 92.

Right to transfer of possession.

Bill, s. 54.
Lewin 589:
Act I of 1877,
s. 12, cl. (a).

55. The beneficiary is entitled to have the intention of the author of the trust specifically executed to the extent of the beneficiary's interest;

and where there is only one beneficiary and he is competent to contract, or where there are several beneficiaries and they are competent to contract, and all of one mind, he or they may require the trustee to stay execution and transfer the possession of the trust-property: provided that, where the trust is to sell immoveable trust-property and the proceeds are to be divided amongst several persons, particular sharers cannot elect that their own respective undivided shares shall not be sold.

Bill, s. 67.

Stanley v. Stanley, L. R. 7 Ch. D. 589.

Nothing in the second clause of this section applies to property transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest.

Illustrations.

(a). Certain Government securities are given to trustees upon trust to accumulate the interest until A attains the age of 21, and then to transfer the gross amount to him. A on attaining majority may, as the person exclusively interested in the trust-property, require the trustees to transfer it immediately to him.

(b). A bequeathes Rs. 10,000 to trustees upon trust to purchase an annuity for B, who has attained his majority and is otherwise competent to contract. B may claim the Rs. 10,000.

(c). A transfers certain property to B and directs him to sell or invest it for the benefit of C, who is competent to contract. C may elect to take the property in its original character.

56. The beneficiary has a right as against the trustee and all persons claiming under him with notice of the trust to inspect and take copies of the instrument of trust, accounts, &c.

56. The beneficiary has a right as against the trustee and all persons claiming under him with notice of the trust to inspect and take copies of the instrument of trust, the documents of title relating solely to the trust-property, the accounts of the trust-property and the vouchers (if any) by which they are supported, and the cases submitted and opinions taken by the trustee for his guidance in the discharge of his duty.

57. The beneficiary, if competent to contract, may transfer his interest, but subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of such interest:

Right to transfer beneficial interest.

Provided that when property is transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest, nothing in this section shall authorise her to transfer such interest during her marriage.

58. Where no trustees are appointed or all the trustees die, disclaim or are discharged, or where for any other reason the execution of a trust by the trustee is or becomes impracticable, the beneficiary may institute a suit for the execution of the trust, and the trust shall, so far as may be possible, be executed by the Court until the appointment of a trustee or new trustee.

Right to sue for execution of trust.

59. The beneficiary has a right (subject to the provisions of the instrument of trust) that the trust-property shall be properly protected and held and administered by proper persons and by a proper number of such persons.

Explanation I.—The following are not proper persons within the meaning of this section:—

A person domiciled abroad: an alien enemy: a person having an interest inconsistent with that of the beneficiary: a person in insolvent circumstances; and, unless the personal law of the beneficiary provides otherwise, a married woman and a minor.

Explanation II.—When the administration of the trust involves the receipt and custody of the money, the number of trustees should be two at least.

Illustrations.

(a). A, one of several beneficiaries, proves that B, the trustee, has improperly disposed of part of the trust-property, or that the property is in danger from B's being in insolvent circumstances, or that he is incapacitated from acting as trustee. A may obtain a receiver of the trust-property.

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8 v. 8 Ves. (b). A bequeathes certain jewels to B in trust for C. B dies during A's lifetime; then A dies. C is entitled to have the property conveyed to a trustee for him.

(c). A conveys certain property to four trustees in trust for B. Three of the trustees die. B may institute a suit to have three new trustees appointed in the place of the deceased trustees.

(d). A conveys certain property to three trustees in trust for B. All the trustees disclaim. B may institute a suit to have three trustees appointed in place of the trustees so disclaiming.

(e). A, a trustee for B, refuses to act, or goes to reside permanently out of British India, or is declared an insolvent, or compounds with his creditors, or suffers a co-trustee to commit a breach of trust. B may institute a suit to have A removed and a new trustee appointed in his room.

1, s. 60. 60. The beneficiary has a right that his trustee shall be compelled to perform any particular act of his duty as such, and restrained from committing any contemplated or probable breach of trust.

Illustrations.

(a) A contracts with B to pay him monthly Rs. 100 for the benefit of C. B writes and signs a letter declaring that he will hold in trust for C the money so to be paid. A fails to pay the money in accordance with his contract. C may compel B, on a proper indemnity, to allow C to sue on the contract in B's name.

1 of 1877, 34, ill. (f). (b). A is trustee of certain land, with a power to sell the same and pay the proceeds to B and C equally. A is about to make an improvident sale of the land. B may sue on behalf of himself and C for an injunction to restrain A from making the sale.

1, s. 61. 61. Where a trustee has wrongfully bought trust-property, the beneficiary has a right to have the property declared subject to the trust or re-transferred by the trustee, if it remains in his hands unsold, or, if it has been bought from him by any person with notice of the trust, by such person. But in such case the beneficiary must repay the purchase-money paid by the trustee, with interest and such other expenses (if any) as he has properly incurred in the preservation of the property; and the trustee or purchaser must (a) account for the net profits of the property, (b) be charged with an occupation-rent, if he has been in actual possession of the property, and (c) allow the beneficiary to deduct a proportionate part of the purchase-money, if the property has been deteriorated by the acts or omissions of the trustee or purchaser.

Nothing in this section—

(a) impairs the rights of lessees and others who, before the institution of a suit to have the property declared subject to the trust or re-transferred, have contracted in good faith with the trustee or purchaser; or

(b) entitles the beneficiary to have the property declared subject to the trust or retransferred where he, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, ratified the sale to the trustee with full knowledge of the facts of the case and of his rights as against the trustee.

62. Where trust-property comes into the hands of a third person inconsistently with the trust, the beneficiary may require him to admit formally, or may institute a suit for a declaration, that the property is comprised in the trust.

Where the trustee has disposed of trust-property, and the money or other property which he has received therefor can be traced in his hands, or the hands of his legal representative, or legatee, the beneficiary has, in respect thereof, rights as nearly as may be the same as his rights in respect of the original trust-property.

Exception I.—Nothing in this section entitles the beneficiary to any right in respect of property in the hands of—

(a) a transferee in good faith for consideration without having notice of the trust, either when the purchase-money was paid, or when the conveyance was executed, or

(b) a transferee for consideration from such a transferee.

A judgment-creditor attaching trust-property is not a transferee for consideration within the meaning of this exception.

Exception II.—Nothing in this section applies to money, currency-notes and negotiable instruments in the hands of a *bona fide* holder to whom they have passed in circulation, or shall be deemed to affect the Indian Contract Act, 1872, section 108, or the Transfer of Property Act, section 136.

Illustrations.

(a) A, a trustee for B of Rs. 10,000, wrongfully invests the Rs. 10,000 in the purchase of certain land. B is entitled to the land.

(b) A, a trustee, wrongfully purchases land, in his own name, partly with his own money, partly with money subject to a trust for B. B is entitled to a charge on the land for the amount of the trust-money so misemployed.

63. Where a trustee wrongfully sells or otherwise transfers trust-property and afterwards himself becomes the owner of the property, the property again becomes subject to the trust, notwithstanding any want of notice on the part of intervening transferees in good faith for consideration.

64. Where a trustee wrongfully sells trust-property and employs the proceeds in trade or business, the beneficiary may, at his option, charge him either with the principal-money and the actual profits arising from such employment or with the principal-money and compound interest.

65. Where the trustee wrongfully mingles the trust-property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him.

Bill, s. 62
Lewin 721
729, 730;
6 Bomb. C
J. 59;
1, L. R. 1
Bomb. 28;
4 D. M. 1
372;
Lewin 761
Dart 939;
Smith § 8

As to mov
ables, see
IX of 187
s. 108.

5 W. R. 1
W. R. 18
p. 225.

Brace v.
Duchess 2
Marlboro
2 P. W. 4
and see St
§ 977.

Bill, s. 63
Kennedy
Daly, 1 f
& Lef. 371

Bill, s. 64
Lewin 31
Docker v
Somes, 2
& K. 655
Tye v.
Foster, 1
R. 8 Ch.
Lewin 31
1 Seton 4

Bill, s. 65
Lewin 27
764.
cf. Contr
Act, s. 1
Underhill
Art. 68.

III, s. 66. Wrongful employment by partner-trustee of trust-property for partnership purposes. 66. If a partner, being a trustee, wrongfully employs trust-property in the business or on the account of the partnership, no other partner is liable therefor in his personal capacity to the beneficiaries, unless he had notice of the breach of trust.

The partners having such notice are jointly and severally liable for the breach of trust.

Illustrations.

win 255, 34. (a). A and B are partners. A dies, having bequeathed all his property to B in trust for Z, and appointed B his sole executor. B, instead of winding-up the affairs of the partnership, retains all the assets in the business. Z may compel him, as partner, to account for so much of the profits as are derived from A's share of the capital. B is also answerable to Z for the improper employment of A's assets.

Rockton v. Dunning, 8 Ch. 323 n. : Collock, Ptp. 90. (b). A, a trader, bequeaths his property to B in trust for C, appoints B his sole executor, and dies. B enters into partnership with X and Y in the same trade and employs A's assets in the partnership-business. B gives an indemnity to X and Y against the claims of C. Here X and Y are jointly liable with B to C, as having knowingly become parties to the breach of trust committed by B.

Bill, s. 68. Liability of beneficiary joining in breach of trust. 67. Where one of several beneficiaries—

(a) joins in committing a breach of trust ; or

(b) knowingly obtains any advantage therefrom, without the consent of the other beneficiaries ; or

(c) becomes aware of a breach of trust committed or intended to be committed, and either actually conceals it, or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries ; or

(d) has deceived the trustee and thereby induced him to commit a breach of trust,

the other beneficiaries are entitled to have all his beneficial interest impounded as against him and all who claim under him (otherwise than as transferees for consideration without notice of the breach) until the loss caused by the breach has been compensated.

Nothing in this section applies to property transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest.

III, s. 69. Rights and liabilities of beneficiary's transferee. 68. Every person to whom a beneficiary transfers his interest has the rights, and is subject to the liabilities, of the beneficiary in respect of such interest at the date of the transfer.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

III, s. 70. Office how vacated. 69. The office of a trustee is vacated by his death or by his discharge from his office.

III, s. 71. Discharge of trustee. 70. A trustee may be discharged from his office only as follows :—

(a) by the extinction of the trust ;

(b) by the completion of his duties under the trust ;

(c) by such means as may be prescribed by the instrument of trust ;

(d) by appointment under this Act of a new trustee in his place ;

(e) by consent of himself and the beneficiary, or, where there are more beneficiaries than one, all the beneficiaries, being competent to contract, or

(f) by the Court to which a petition for his discharge is presented under this Act.

71. Notwithstanding the provisions of section Bill, s. 72. eleven, every trustee may apply by petition to a principal Civil Court of original jurisdiction to be discharged from his office ; and if the Court finds that there is sufficient reason for such discharge, it may discharge him accordingly, and direct his costs to be paid out of the trust-property. But where there is no such reason, the Court shall not discharge him, unless a proper person can be found to take his place.

72. Whenever any person appointed a trustee disclaims, or any trustee dies or is for a continuous period of six months absent from British India, or leaves British India for the purpose of residing abroad, or is declared an insolvent, or desires to be discharged from the trust, or refuses or becomes in the opinion of a principal Civil Court of original jurisdiction unfit or personally incapable to act in the trust, or accepts an inconsistent trust, a new trustee may be appointed in his place by—

(a) the person nominated for that purpose by the instrument of trust (if any), or

(b) if there be no such person, or no such person able and willing to act, the author of the trust, if he be alive and competent to contract, or the surviving or continuing trustees or trustee for the time being, or legal representative of the last surviving and continuing trustee, or the retiring trustees, if they all retire simultaneously, or the last retiring trustee.

Every such appointment shall be by writing under the hand of the person making it.

The Official Trustee may, with his consent and by the order of the Court, be appointed under this section in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

For the purpose of this section, any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee.

73. Whenever any such vacancy or disqualification occurs, and it is found impracticable to appoint a new trustee under section seventy-two, the beneficiary may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for the appointment of a

See Ardliff Sarage, 1 Eq. Rep. 7 as to capricious retirement.

Bill, s. 73. Act XXVII of 1866, s. 23 & 24 Vic. c. 145, s. 27. Re Roche, Dr. & War. 287 : Lewin 466, 467.

5 Beng. 184

Bill, s. 74. Insolvent trustee, 32 & 33 Vic., c. 71 s. 117.

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trustee or a new trustee, and the Court may appoint a trustee or a new trustee accordingly.

Bill s. 720:
ith, § 8153:
Hare 106:
Bill, s. 59.

Re Tempest,
L. R. 1 Ch.
Ap. 84.

In appointing new trustees, the Court shall have regard (a) to the wishes of the author of the trust, as expressed in, or to be inferred from, the instrument of trust, (b) to the wishes of the person, if any, empowered to appoint new trustees, (c) to the question whether the appointment will promote or impede the execution of the trust, and (d) where there are more beneficiaries than one, to the interests of all such beneficiaries.

Bill s. 73,
paras. 3 and 4.

74. Whenever any new trustee is appointed under section seventy-two or section seventy-three, all the trust-property for the time being vested in the surviving or continuing trustees or trustee, or in the legal representative of any trustee, shall become vested in such new trustee, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require.

Every new trustee so appointed, and every trustee appointed by a Court either before or after the passing of this Act, shall have the same powers, authorities and discretions, and shall in all respects act, as if he had been originally nominated a trustee by the author of the trust.

Bill s. 75.
As to discre-
tion of sur-
viving trustee,
L. R. 11 Eq.
439.

75. On the death or discharge of one of several co-trustees, the trust survives, and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

Bill s. 76.
N. Y. Code,
§ 1208 altered.
Prith v. Cart-
and, 34 L. J.
Ch. 301.

76. A trust is extinguished—

- (a) when its purpose is completely fulfilled; or
- (b) when its purpose becomes unlawful; or
- (c) when the fulfilment of its purpose becomes impossible, by destruction of the trust-property, or otherwise; or
- (d) when the trust, being revocable, is expressly revoked.

Bill s. 77.
N. Y. Code,
§ 1209 altered:
Rogers v.
Christie,
3 Beav. 238.

77. A trust constituted by will may be revoked at the pleasure of the testator.
Revocation of trust.
A trust otherwise constituted can be revoked only—

Tijibhai v.
Sonabhai,
Bomb. 139,
C. W. P.
1870, p. 420.

- (a) where all the beneficiaries are competent to contract—by their consent; or
- (b) where the trust has been declared by a non-testamentary instrument or by word of mouth—in exercise of a power of revocation expressly reserved to the author of the trust.

Illustration.

3 Chan.
D. 749.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves

no power of revocation. If no communication has been made to the creditors, A may revoke the trust. But if the creditors are parties to the arrangement, the trust cannot be revoked without their consent.

78. No trust can be revoked by the author New.
Revocation not to de- of the trust so as to defeat Lewin 468.
fect what trustees have or prejudice what the trus-
duly done. tees may have duly done in
execution of the trust.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

Where obligation in nature of trust is created.

79. An obligation in the Bill s. 78.
nature of a trust is created
in the following cases.

80. Where the owner of property transfers Bill s. 78,
or bequeathes it and it can- cl. (a).
not be inferred consistently Lewin 132;
with the attendant circum- 2 Spence 18
stances that he intended to
dispose of the beneficial interest therein, the transferee or legatee must hold the property for the benefit of the owner or his legal representative.

Illustrations.

(a). A conveys land to B without consideration and declares no trust of any part. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the land. B holds the land for the benefit of A.

(b). A conveys to B two fields, Y and Z, and declares a trust of Y, but says nothing about Z. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in Z. B holds Z for the benefit of A.

(c). A transfers certain stock into the joint names of himself and B. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the stock during his life. A and B hold the stock for the benefit of A during his life. *Fowkes v. Pascoe*, L. 10: Ch. App. 34 351.

(d). A makes a gift of certain land to his wife B. She takes the beneficial interest in the land free from any trust in favour of A, for it may be inferred from the circumstances that the gift was for B's benefit.

81. Where property is transferred to one person Bill s. 78,
for a consideration paid or cl. (d); s. 81
another, provided by another person,
and it appears that such
other person did not intend to pay or provide
such consideration for the benefit of the transferee,
the transferee must hold the property for the
benefit of the person paying or providing the
consideration.

82. Where a trust is incapable of being Bill s. 78,
executed, or where the trust cl. (b).
is completely executed with- Smith § 711
out exhausting the trust- Jarman,
property, the trustee, in the Wills, i. 35;
absence of a direction to the contrary, must hold No saving a
the trust-property, or so much thereof as is charitable
unexhausted, for the benefit of the author of the trust.
trust or his legal representative. I. L. R., 2 Bomb. 410.

Illustrations.

Lewin 134 : Spence 33. (a) A conveys certain land to B—
“upon trust,” and no trust is declared; or
“upon trusts to be thereafter declared,” and no such declaration is ever made; or
upon trusts that are too vague to be executed; or
upon trusts that become incapable of taking effect:

In each of these cases B holds the land for the benefit of A.

(b) A transfers Rs. 10,000 in the four per cents. to B in trust to pay the interest annually accruing due to C for her life. A dies. Then C dies. B holds the fund for the benefit of A's legal representative.

Contra in England. But see Lewin 118. (c) A conveys land to B upon trust to sell it and apply one moiety of the proceeds for certain charitable purposes and the other for the maintenance of the worship of an idol. B sells the land, but the charitable purposes wholly fail, and the maintenance of the worship does not exhaust the second moiety of the proceeds. B holds the first moiety and the part unapplied of the second moiety for the benefit of A or his legal representative.

(d) A bequeathes Rs. 10,000 to B, to be laid out in buying land to be conveyed for purposes which either wholly or partially fail to take effect. B holds for the benefit of A's legal representative the undisposed of interest in the money or land if purchased.

ill s. 78. l. (c). R. 9 Eq. 75: 16 Eq. 33. **83.** Where the owner of property transfers it to another for an illegal purpose and such purpose is not carried into execution, or the transferor is not as guilty as the transferee, or the effect of permitting the transferee to retain the property might be to defeat the provisions of any law, the transferee must hold the property for the benefit of the transferor.

transfer of property Bill, 9: ent IV, 332: with, § 711. **84.** Where a testator bequeathes certain property upon trust and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's lifetime the legatee agrees with him to apply the property for an unlawful purpose, the legatee must hold the property for the benefit of the testator's legal representative.

Where property is bequeathed and the revocation of the bequest is prevented by coercion, the legatee must hold the property for the benefit of the testator's legal representative.

s Act I of 77, s. 35. **85.** Where property is transferred in pursuance of a contract which is liable to rescission or induced by fraud or mistake, the transferee must, on receiving notice to that effect, hold the property for the benefit of the transferor subject to repayment by the latter of the consideration actually paid.

ill s. 78. (c). Mad. 88: Mad. 474: Ind. Jur. O. 7: Eliz., c. 5. **86.** Where the effect of a transfer of property is to defraud or delay the present or future creditors of the transferor, or co-owners or other persons interested in such property, and the transfer is gratuitous or the transferee has notice of the intended fraud, the transferee must hold the property for their benefit to the extent necessary to satisfy their just demands.

87. Where a debtor becomes the executor or other legal representative of his creditor, he must hold the debt for the benefit of the persons interested therein. **Bill s. 78, cl. (f). See sec. 13, ill. (a), supra.**

88. Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character, gains for himself any pecuniary advantage or where any person so bound enters into any dealings under circumstances in which his own interests are, or may be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of such other person the advantage so gained. **Bill s. 78, cl. (g). Act I of 1877 s. 3, ill. (b), (c), (e), (f): L. R. 2 Ind. App. 18: 2 Spence 299: Lewin 165, 171: Story, § 323.**

Illustrations.

(a) A, an executor, buys at an undervalue from B, a legatee, his claim under the will. B is ignorant of the value of the bequest. A must hold for the benefit of B the difference between the price and value.

(b) A, a trustee, uses the trust-property for the purpose of his own business. A holds for the benefit of his beneficiary the profits arising from such user.

(c) A, a trustee, retires from his trust in consideration of his successor paying him a sum of money. A holds such money for the benefit of his beneficiary.

(d) A, a partner, buys land in his own name with funds belonging to the partnership. A holds such land for the benefit of the partnership.

(e) A, a partner, employed on behalf of himself and his co-partners in negotiating the terms of a lease, clandestinely stipulates with the lessor for payment to himself of a lakh of rupees. A holds the lakh for the benefit of the partnership. **Fawcett v. Whitehouse, 1 R. & M. 132.**

(f) A and B are partners. A dies. B, instead of winding up the affairs of the partnership, retains all the assets in the business. B must account to A's legal representative for the profits arising from A's share of the capital.

(g) A, an agent employed to obtain a lease for B, obtains the lease for himself. A holds the lease for the benefit of B.

(h) A, a guardian, buys up for himself incumbrances on his ward B's estate at an undervalue. A holds for the benefit of B the incumbrances so bought, and can only charge him with what he has actually paid.

89. Where by the exercise of undue influence any advantage is gained in derogation of the interests of another, the person gaining such advantage without consideration or with notice that such influence has been exercised must hold the advantage for the benefit of the person whose interests have been so prejudiced.

90. Where a tenant for life, co-owner, mortgagee, or other qualified owner of any property, by availing himself of his position as such, gains an advantage in derogation of the rights of the other persons interested in the property, or where any such owner, as representing all persons interested in such property, gains any advantage, he must hold, for the benefit of all persons so interested, the advantage so gained, but subject to repayment by such persons of their due share of the expenses properly incurred, and to an **Bill s. 78, cl. (h). Lewin 166, 725: 2 Spence 299, 301: Act I of 1877, s. 1877, s. (d). cf. 5 Beng. 458, mortgagee buying equity of redemption.**

THE PRIVATE TRUSTS BILL.

indemnity by the same persons against liabilities properly contracted, in gaining such advantage.

Illustrations.

(a). A, the tenant for life of leasehold property, renews the lease in his own name and for his own benefit. A holds the renewed lease for the benefit of all those interested in the old lease.

(b). A village belongs to a Hindú family. A, one of its members, pays nazráná to Government and thereby procures his name to be entered as the inámdár of the village. A holds the village for the benefit of himself and the other members.

(c). A mortgages land to B, who enters into possession. B allows the Government revenue to fall into arrear with a view to the land being put up for sale and his becoming himself the purchaser of it. The land is accordingly sold to B. Subject to the repayment of the amount due on the mortgage, and of his expenses properly incurred as mortgagee, B holds the land for the benefit of A.

Moo. I. A.
2:
Moo. I. A.
3:

l s. 78.
(i).
pence 195:
win 128,
):
ith § 725:
l of 1877,
ills. (g),

l s. 78,
(j).
ith § 723.

ry Eq.
: § 378.

, s. 78,
(k).
, Panjáb
sharer
ntees.

pence 297.

91. Where a person acquires property with notice of existing contract affecting that property, of which specific performance could be enforced, the former must hold the property for the benefit of the latter to the extent necessary to give effect to the contract.

92. Where a person contracts to buy property to be held on trust for certain beneficiaries and buys the property accordingly, he must hold the property for their benefit to the extent necessary to give effect to the contract.

93. Where creditors compound the debts due to them, and one of such creditors, by a secret arrangement with the debtor, gains an undue advantage over his co-creditors, he must hold for the benefit of such creditors the advantage so gained.

94. In any case not coming within the scope of any of the preceding sections, where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof (as the case may be), to the extent necessary to satisfy their just demands.

Illustrations.

(a) A, an executor, distributes the assets of his testator B to the legatees without having paid the whole of B's debts. The legatees hold for the benefit of B's creditors, to the extent necessary to satisfy their just demands, the assets so distributed.

(b). A by mistake assumes the character of a trustee for B, and under colour of the trust receives certain monies. B may compel him to account for such monies.

(c). A makes a gift of a lálkh of rupees to B, reserving to himself, with B's assent, power to revoke at pleasure the gift as to Rs. 10,000. The gift is void as to Rs. 10,000, and B holds that sum for the benefit of A.

95. The person holding property in accordance with any of the preceding sections of this chapter must, so far as may be, perform the same duties, and is subject, so far as may be, to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it:

Provided that, (a) where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill and loss of time in such cultivation or employment; and (b) where he holds the property by virtue of a contract with the person for whose benefit he holds it, or with any one through whom such person claims, he may, without the permission of the Court, buy or become lessee or mortgagee of the property or any part thereof.

Underhill,
128.

96. Nothing contained in this chapter shall impair the rights of transferees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

Bill, s. 80.
L. R. 8 Ch
747.

THE SCHEDULE.

STATUTES.

Number and year.	Short title.	Extent of repeal.
13 Eliz., c. 5	An Act against fraudulent deeds, gifts, alienations, &c.	The whole.
29 Car. II, c. 3	The Statute of Frauds.	Sections 7, 8, 9, 10 and 11.

ACTS.

Number and year.	Short title.	Extent of repeal.
XXVIII of 1866	The Trustees and Mortgagees Powers Act, 1866.	Sections 2, 3, 4, 5, 32, 33, 34, 35, 36 and 37. In sections 39 and 43, the word "trustee" wherever it occurs, and in section 43, the words "management or" and "the trust-property or."
I of 1877	The Specific Relief Act, 1877.	In section 12, the first illustration.

D. FITZPATRICK,
Secy to the Govt. of India.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
RAILWAY.

SUKKUR—QUETTA STATE RAILWAY.

No. 045R.C., dated Fort William, the 21st January 1880.

The following papers are published for general information :—

The last report from Sir Richard Temple indicates the promptitude with which His Excellency has applied the means, placed at his disposal by the Government of India, in the advancement of this important Railway.

ALEX. FRASER, *Major-Genl., R. E.,*
Secretary to the Govt. of India.

RAILWAY LINE THROUGH MOUNTAINS BETWEEN THE VALLEY OF THE INDUS
AND SOUTHERN AFGHANISTAN.

Minute by the Governor of Bombay, dated 25th November 1879.

It now becomes necessary for me to state an opinion, and consequent recommendation, regarding the line of country whereby the Railway from the Valley of the Indus and the plain of Cutchi can be best conducted up to the plateau of Beluchistan with a view to further extension into Southern Afghanistan.

2. In September last we were directed by the Government of India to cause a broad gauge surface railway to be laid down from a point near Sukkur on the Indus to some point near the mouth of the Bolan Pass; though afterwards we were instructed that this railway was to be carried by a narrow (metre) gauge up to Quetta. Next, in October, we were required to furnish a staff for surveying an extension to Candahar.

3. The surface railway has now been laid down through the basin of the Indus, and its alignment has been fixed across the desert plain of Cutchi to Mithri on the bank of the Nari river close to the foot of the outer chain of the Beluchistan mountain system.

4. The question immediately arises by what line shall the railway be carried onwards? This important question I have been considering for the past month, inspecting the country in company or in communication with the chief political authority, namely, the Agent to the Governor General Sir Robert Sandeman, and the Engineer authorities, Colonel Lindsay, R. E., Engineer-in-Chief of this Railway, and Colonel deBourbel, R. E., Superintending Engineer in Beluchistan.

5. In September last we were requested by the Government of India to have the old road by the Bolan Pass professionally examined with a view to the construction of a temporary, if not a permanent, railway. It was known, however, that an alternative route *via* the eastward side by Sibi and the valley of the Nari might perhaps be found preferable, and in October we were requested to take that alternative route into definite consideration. It is indeed manifest that the choice lies between these two routes, namely, first, the Bolan Pass; secondly, the Nari valley by Sibi.

6. First, then, in respect to the Bolan Pass, I append a memorandum by Colonel Lindsay, in which Colonel deBourbel concurs, on the capabilities of this celebrated and long-used pass for a railway.

7. Before describing the Pass I should premise by observing that the line must at the outset be carried by a considerable bridge over the river Nari near Mithri; after which it would run without any difficulty to the mouth of the Pass beyond Dadur.

8. Then the Pass itself is found to be virtually impracticable for a permanent and regular railway, that is, either impossible absolutely, or possible only at an unreasonable and prohibitory outlay. Nor is there any well-grounded hope, so far as is known at present, of any favourable line being discovered in the neighbourhood of the Bolan. By the term permanent and regular railway, I mean a railway that could be worked at all times without interruption, at

the ordinary rates of speed, with the usual loads of traffic, and with the same engines and carriages (rolling-stock) as the rest of the line below and above the Pass.

9. The Pass from its mouth near Dadur to its head near Darwaza is 70 miles in length, of which 26 miles are characterized by difficulties of sorts more or less serious; while the remaining 44 miles are either easy, or practicable without excessive cost. The Pass, it will be remarked, is one of unusual length even for these regions. It is permeated for three-fourths of its length by a stream of great beauty. In some places it opens out like the body of a water vessel; in other places it closes up like the neck of the vessel, leaving just enough room for the stream to escape through.

10. In brief general terms the difficulties of the Pass for a railway may be described as consisting of the winding gorge walled in by overhanging cliffs, just above Kundilani, so famous for its picturesqueness; the river crossing below Much; and beyond Much another gorge, even worse than the gorge last named, consisting of the steep ravine up to Dozan where a military road has recently been carried, for which work General Phayre and the Bombay Brigade will be long and gratefully remembered. Some of these difficulties, consisting of virtually impossible curves and gradients, the former 70 feet radius or worse, the latter 1 in 20 or worse, for a railway as above defined,—are pronounced by every Engineer who has seen them to be insuperable; with the proviso that almost any difficulty may ultimately prove superable with science and capital if these shall be expended without stint, especially the capital. But even with unlimited expense it is hard to say how the Engineers would ever overcome the natural gradients of the ravine below Dozan.

11. On the other hand, what may be termed a "temporary" railway could be constructed without excessive cost in the Bolan Pass, or perhaps what would be called by some persons a "tramway." In exact language a metre-gauge railway could be constructed having at certain points excessive gradients about 1 in 20, and at other points excessive curves of about 70 feet radius. Consequently, it could be worked only at very low rates of speed, and with very light loads of traffic. Moreover, for these sharp curves specially constructed engines, carriages and trucks would have to be provided, as ordinary rolling-stock would not be suitable. This circumstance might render necessary a separate set of rolling-stock for the railway above and beyond the Pass; on the assumption that the railway below the Pass were provided with rolling-stock from the Indian railway system. Further, the line would at certain points be below the level of ordinary high floods of the Bolan River, the waters of which would occasionally sweep over the railway with a volume rolling on waves of at least 25 feet high, and capable in a few minutes of submerging the rails under that depth of water, causing damage of course, but not producing any destructive effect. There would, however, ensue for a very brief time some interruption to traffic. Though the region is comparatively rainless, still clouds gather in the spring and in the summer, discharging rain which is drained off with extreme rapidity from the precipitous sides of naked mountains, and accumulates with corresponding force. Such floods do not, however, last long and may be described as occasional rather than frequent; nor are they constant at any one season. There would also be at times some liability to accidents from this cause,—beyond the power of vigilance or system to prevent altogether. During the winter, too, the climate at the head of the Pass is inclement in a high degree, even for Europeans; and for natives is tolerable only under necessity. The wintry storms (snow or sleet) in this locality cannot be faced by any one without danger; and on their approach being observed shelter must be resorted to.

12. During the time of its construction the railway in the Bolan Pass would have all the advantages of a good military line of communication alongside, consisting of roadway for wheeled carriage, of regular halting places, and other staging conveniences for man and beast. The Pass is at all seasons very deficient in food and fodder, and in the winter season is utterly inhospitable. Supplies, therefore, would have to be obtained from the districts above or below the Pass for the railway work-people, just as they are now obtained for the soldiers and camp-followers. The Pass, too, is wholly destitute of fuel

—a serious consideration in the case of a railway—and this article would have to be imported from the districts below.

13. From the head of the Bolan Pass, near Darwaza to Quetta, 30 miles, and from Quetta to Gulistan Kariz, in the Pishin Valley, a further distance of 40 miles, in all 70 miles, the line may be carried with ease. It is to be remembered that Gulistan Kariz is the principal place in the Pishin Valley, one of the districts assigned to the British Government by the treaty of Gundamuk; is at the base of the Khwaja Anuran mountain range which separates these assigned districts from Afghanistan; and is situated conveniently in respect to the three Passes crossing the range.

14. Thus having regard to the high national importance, from a military, a political, and a commercial point of view, of carrying a railway into the Beluchistan Uplands on its way to Southern Afghanistan, I would most gladly recommend the construction of a "temporary" railway (as above defined) up the Bolan Pass, notwithstanding the disadvantages of slow speed, light loads, provision of special and separate rolling-stock, short interruptions of traffic periodically, and liability to occasional accidents;—provided always that no better alternative route could be found. The railway thus constructed would not indeed be worked satisfactorily in the Indian acceptance of the term; and never could be made a first-rate work worthy of so important a line of through communication. Still it would, at the worst, be worked sufficiently to become a vast advantage, on the whole, nationally. And doubtless by experience year after year, the railway Engineers would learn how to mitigate these several disadvantages in practice, though unable to overcome them altogether. But the question immediately arises as to whether some better alternative route cannot be found? And to this we must address ourselves. If such a route cannot be found then the Bolan temporary railway must necessarily be recommended. If such a route can be, or has been, found, then the Bolan railway ought certainly *not*, I submit, to be recommended.

15. Before adverting to the alternative route I must ask remembrance of the circumstance that the route by the Bolan Pass and onwards through Shal or Shalkot, the Valley of Quetta, to the border of Pishin passes through foreign territory, namely, the dominion of His Highness the Khan of Khelat. This circumstance is by no means a formidable disadvantage, but it is a disadvantage to some appreciable extent. The occupation by a British railway, which is really complete British occupation, of a celebrated Pass on which the Native Sovereigns have always levied transit dues, would be viewed with some regret by the Khelat State. Though that State is so loyal that it would surrender the Pass cheerfully enough, if by no other means could the railway be carried on, still the practical cession of the Pass would constitute a certain sort of obligation on the part of the British Government, and would involve some slight complications with the Khan and with some of his Chiefs regarding compensation for loss of transit dues in the Pass,—all which might as well be avoided. Again, as the line would pass through foreign territory, the outlay expended on it on the security (for interest) of Indian revenues would fructify partly to the benefit of a foreign State, which benefit would have accrued to territories under British management had the line passed through those territories. I need not stop to shew the advantage of carrying the railway through districts under British administration, if such a route can be found.

16. Secondly, then, I have to advert to the alternative route *viâ* Sibi and onwards.

17. It has already been mentioned that the railway has been aligned as far as the left bank of the Nari River, nearly opposite Mithri. The line would proceed, without crossing the river, to Sibi, about 12 miles distant, along the plain, and would approach the Pass whereby the river finally debouches from the hills into the plains of Cutchi. It is proposed that the line should follow the course of this river or of its affluents right up to the plateau of Beluchistan and Pishin. I must here pause for a moment to indicate the river system of the Nari.

18. This system comprises the north-eastern drainage of Beluchistan and the south-eastern drainage of Pishin. Its branches run from the well-known mountains of Zerghun, Takatu and Adina flanking the plateau of Beluchistan,

and from the almost equally well-known mountains of Pila and Kalipat flanking the plateau of Pishin,—mountains ranging from 8,000 to 11,000 feet above the sea and from 7,000 to 10,000 feet above the plains. The streams rise in these plateaux near the flanks; but find their way through the flanking mountains, by passes, gorges or rifts, down into valleys, which broaden out among lower ranges of hills, and are largely cultivated. These several streams after watering their respective valleys, converge into one stream which finally issues by the Pass above mentioned into the plain near Sibi, which may be called the Nari Pass.

19. When we were instructed in September last to carefully consult the political authorities regarding the selection of the line in this quarter, the Agent to the Governor General, Sir R. Sandeman, urgently drew our attention to the advantages of the line by the Nari River system. During my visit to Beluchistan last season, January 1879, I had myself heard much regarding this line. The Engineer-in-Chief, Colonel Lindsay, was accordingly directed to examine the line, two Officers, Lieutenants Jennings, R.E., and Barnet, R.E., being also ordered to assist him in this examination. This general preliminary examination has now been made leading to satisfactory and favourable results.

20. Shortly after leaving Sibi the line would enter the Nari Pass, which is 14 miles in length. This Pass is somewhat similar to the lower portion of the Bolan Pass between Dadur and Kundilani, but is easier in character. The hill sides are generally, though not always, shelving; the rocks and clayey formations are soft and workable with facility. Along the Nari Pass, then, a railway could be constructed permanently above the reach of floods, with suitable curves and gradients at a considerable, though not excessive, cost. Emerging from the Pass the railway would be conducted between the low hills through open spaces to the important village and well cultivated valley of Hurnai, on one of the main affluents of the Nari. After Hurnai, it would be taken over open and partly cultivated spaces between the hills to the banks of an affluent of the Nari near the village of Khost. It would then follow the course of that affluent, near the base of the Kalipat Mountain, to the village of Dargai at the foot of the Chapar Hill, which is a short and comparatively low connecting range between the two high mountains of Kalipat and Adina.

21. Up to this point good gradients are obtainable without difficulty, indeed, with comparative facility, considering the hilly nature of the country. It is near the foot of the Chapar Hill that the only obstacle occurs to the gradual ascent to the high plateau of Beluchistan and Pishin, and that the river passage from the plateau commences. As already mentioned, the river rises in this plateau and wends its way towards the flank of the plateau through a comparatively open valley with sloping and easily workable sides. It then finds its way through the ranges of limestone near the base of Chapar by a remarkable rift or narrow gorge, which has been fully examined by Lieutenant Jennings, R. E., and has been seen in part by Colonel Lindsay and myself. We may call it the Chapar Rift. It has a length of about two miles, without any insuperable curves, but with a difference of about 350 feet in level between its upper and lower end, representing a gradient of 1 in 30 approximately. The sides of the gorge are precipitous at certain points only, which could be overcome by blasting, otherwise the sides admit generally of a railway being securely carried above reach of floods. The real difficulty would be in the gradient, but Colonel Lindsay is inclined to think that by some works of no excessive magnitude at the entrance of the gorge, this gradient might be reduced to 1 in 40. If the first impression of the practicability of this passage should be confirmed by survey, then a great advantage would be gained. The railway would follow the river through the remarkable rift at the base of the Chapar Hill into the valley above, which may be called the Upper Chapar Valley. And once that valley is gained an excellent line is undoubtedly obtainable to the border between the valley of Quetta and Pishin. To this part of the line I will revert presently.

22. But if the Chapar Rift should not prove altogether suitable for the passage of the railway, then there is an alternative proposal which undoubtedly will answer quite well, which is this: The Adina Mountain adjoins the Chapar Hill and bounds one side of the Upper Chapar Valley; it also rises gradually

from the river bed at the village of Dargai. The railway can be then carried by excellent gradients along the sides, slopes and spurs of the Adina Mountain to the Upper Chapar Valley. I have myself carefully looked at this mountain, and have seldom seen a mountain apparently more suited for the carrying of a railway by an easy incline to a considerable height. The mountain has been separately looked at by Colonel Lindsay and Colonel deBourbel; and again by both those officers in company with me, Sir R. Sandeman and Major Rivett-Carnac, my Military Secretary. It really possesses all the points required for the alignment of a railway, such as a continuous ridge almost without break, and free from any scarp except near the summit, broad sloping sides, long gently-extending spurs, easily workable material, such as earth and stones, without any large rocky formation.

23. Both the Engineer authorities, Colonels Lindsay and deBourbel, express a very favourable opinion of the capabilities of this Adina Mountain, and, if the rift should fail to afford a still better line with some saving of distance, here at least is a good line afforded by the Adina Mountain.

24. The railway having thus gained the Upper Chapar Valley would pass along the sloping sides of this valley for about 15 miles, till it reached a low ridge easily surmounted; and crossing that, it would enter the valley of Gwal in Pishin. From Gwal it would follow the bank of the Kakar Lora River near the base of the Takatu Mountain by a very easy line near to the village of Kachlak, which is a well-known stage on the road between Quetta and Gulistan Kariz. From Kachlak it would pass on to Gulistan Kariz without any obstacle save the main stream of the Lora River, which must under any circumstances be bridged, whatever line be selected for a railway towards Candahar.

25. Kachlak above mentioned is distant 12 miles by level valley ground from Quetta (irrespective of a short cut over the spur of a hill unsuitable for a railway). I concur with the Agent to the Governor General in thinking that this point is quite near enough to Quetta for practical purposes; the main point being to reach Gulistan Kariz direct on the way to Candahar.

26. Here, then, is a railway route which by the map runs nearly straight from Mithri by Sibi to Gulistan Kariz; which, as Colonel Lindsay advises me, is very favourable and suitable from an engineering point of view, considering the nature of the country and the height to be gained, especially too in comparison with the Bolan line, and which, as Sir R. Sandeman, the Officer in charge of this part of the country, advises me, is excellent in a political and administrative point of view. Indeed, Colonel Lindsay describes the Sibi route as incomparably superior to the Bolan route for a railway. In this description Sir R. Sandeman and I concur. So various and numerous indeed are the advantages of the Sibi route that, even if the disadvantages of the Bolan had been superable, or if a favourable line in that neighbourhood had been discovered, we should still have recommended the Sibi route.

27. The comparative distance by the two lines, namely, Mithri to Gulistan Kariz by Dadur and Quetta, or Mithri to Gulistan Kariz by Sibi, Chapar and Gwal, may be stated approximately as below,—I say approximately, because until the surveys are completed it is impossible to give the distances by railway exactly: distances always differing by road and by rail:—

<i>Bolan Route.</i>		Miles.
Mithri to Dadur		18
Dadur to Quetta		100
Quetta to Gulistan Kariz		45
		<hr/>
		163
<i>Sibi Route.</i>		Miles.
Mithri to mouth of Nari Pass near Sibi		20
Mouth of Nari Pass to Dargai at foot of Chapar Hill		87
Dargai to Gwal		25
Gwal by Kachlak to Gulistan Kariz		55
		<hr/>
		187

Thus the difference between 163 and 187, or 24 miles constitutes a difference of distance in favour of the Bolan route as compared with the Sibi route. *Per contra*, it is to be remembered that the Sibi route has fairly good gradients throughout, either existing naturally or obtainable by moderate deflexions from the straight course, which the Bolan route has not; the maximum height being in each case about the same, namely, an ascent from a plain 700 feet above the sea to a plateau of 5,500 feet. But this difference in distance is the only point in favour of the Bolan route. In all other respects Colonel Lindsay advises me that from an engineering point of view there is no comparison at all between the two routes, the Sibi route being so incomparably superior.

28. The Bolan route, as we have seen, does not admit of a permanent line being constructed at all; and if a temporary line be constructed, it can be worked only at slow speed, with light loading, and with specially constructed rolling-stock, at the best with occasional interruption from floods, and with some liability to accident from the same cause. The Sibi route admits of a permanent railway being constructed to be worked throughout without interruption at the ordinary speed and with ordinary loading without any unusual liability to accident.

29. By the Sibi route there is much of convenience for constructive purposes which does not exist on the Bolan route. Out of the distance between Dadur and Quetta, 100 miles, full 90 miles pass through, as already seen, tracts destitute of everything save water, a circumstance necessitating constant importation of supplies (including fuel) during construction of the railway. On the Sibi route there are only two such tracts of limited length,—one the Nari Pass, 14 miles, the other, the Upper Chapar Valley about 15 miles. The rest of the way lies through tracts all more or less culturable or cultivated and possessing fair resources in wood and fuel; while some valleys, such as that of Hurnai, where we are now encamped, are even highly cultivated,—circumstances which obviate the necessity of importing supplies, and facilitate construction in many respects. Indeed, the possibility of augmenting indefinitely by conservation the resources of wood and fuel all along the Sibi route, is a circumstance of some value and interest.

30. The advantage has been already indicated which the Bolan Pass possesses in its new military cart-road so well made by General Phayre and the Bombay Brigade of sepoys. An equal advantage is easily and speedily obtainable on the Sibi route; of this we have no doubt from personal inspection. The only doubtful point was the side of the Chapar Hill. But along that side a roadway fit for beasts of burden, by which my whole camp and escort passed, was made by two companies of Bombay sepoys in a few hours under Major Trench, and close by, Sir R. Sandeman, Colonel Lindsay and myself found a mountain road whereby we walked from the Upper Chapar Valley down to Dargai, passing by the way laden animals with goods of private trade.

31. I may add here that the head of the ascent by the Sibi route, say the Upper Chapar Valley and the Gwal Valley, is free in winter from that extreme inclemency of climate to which the head of the Bolan ascent is subject; while a good and salubrious residence in summer could be found near Chapar or Gwal for the European officers or servants of the railway.

32. Whereas the Bolan route, as already seen, passes through foreign territory, the Sibi route passes through the heart of the districts recently assigned to the British Government by the treaty of Gundamuk. The capital outlay would thereby fructify to the development of territories for which British administrators are responsible. The material resources hereby developed would be virtually British resources available for every purpose of strategy or of policy. The campaign in Southern Afghanistan of 1878-79 has forcibly shewn the importance of having supplies of all sorts at hand all along the line of military communication.

33. Whereas by the Bolan route there would be nothing but through traffic between Dadur and Quetta and no local traffic at all, also no local labour,—there would, by the Sibi route, be considerable local traffic station to station, besides the through traffic, also some local labour.

34. In the Sibi assigned district extending from the plain of Cutchi to the uplands of Pishin, there is a sparse but growing population of Pathan moun-

taineers, capable as cultivators, adepts at utilizing the streams and streamlets for irrigation, and possessing pastoral wealth in sheep and goats—but heretofore retarded in development from want of that sort of protection which is afforded by a settled Government, and frequently harried, and sometimes even subjected to murder, rapine and devastation, from the Murri and other tribes that inhabit the hill ranges on the east which lie between the Sibi district and the Indus valley. The watch-towers with which the fields all over the Sibi district are studded, and into which the husbandman can shut himself at shortest notice to save his person, while his crops, grain and cattle are swept away by the marauders, attest the depressing circumstance that hitherto the cultivators have carried their lives in their hands whenever they went to plough or to reap. This abiding sense of insecurity has sharpened and embittered the character of the people; and many lawless or violent persons may be found.

35. All this will of course be, indeed already is being, beneficently altered by Sir R. Sandeman's vigorous administration. But the assistance which would be afforded by the railway to British administrators in a task for the completion of which their government has made itself answerable is too manifestly important to need description, and indeed would be difficult to describe adequately.

36. But further the railway by the Sibi route would serve as a barrier to the depredations of the Murri tribe westwards, which depredations have spread not only across the Sibi district, but to the neighbourhood of the Bolan Pass itself. The raids of the Murris eastwards towards the Indus Valley, that is towards the British territory, have long been known and checked. But these depredations are now found to have been much worse westwards over the Sibi territory—circumstances which could be understood imperfectly only while the territory was Afghan, but which are fully patent now that the territory has come under British management.

37. Moreover, this railway would run near the western and southern boundaries of the Murri hills, and would open up communications with the Thal plateau which is distant 45 miles from Hurnai already mentioned as a point on the railway line, and which is on the northern boundary of the Murris—their remaining or eastern boundary facing towards British dominion on the Indus. Thus by means of this railway this heretofore dreaded and mischievous tribe, who have so long preyed on their neighbours, will be environed by a system which they cannot resist. Having had these Murri Chiefs introduced to me by Sir Robert Sandeman, I perceive that they themselves are beginning to feel that resistance is hopeless on their part, and that they must divert their energies from rapine to industry.

38. Similar remarks are applicable to several tribes of Pathans who dwell in the hills to the north of the Thal plateau.

39. Thus, irrespective of its engineering merits, the Sibi route has great administrative and economic advantages, and is capable of producing a considerable political effect.

40. It follows a line, too, which was evidently intended by nature to be the highway of communication, but which has become disused owing to the unsettled state of Afghan administration and the incursions of neighbouring tribes.

41. We were instructed at the outset by the Government of India to consider carefully the opinions of the political authorities in selecting the line for this railway. The Agent to the Governor General, Sir Robert Sandeman, the Officer in political charge of the Khan of Khelat and His Highness' territories, also of the Western Murris, and in civil charge of the assigned districts, has a decided opinion in favour of the Sibi route. The opinion of so high an officer, who has so much local experience and who has done so much for this part of the country, will doubtless carry great weight.

42. I feel bound, however, to record a similar opinion formed by me after independent enquiry and observation on the spot.

43. I presume that up to the mouth of the Nari Pass near Sibi the broad gauge would be carried, and that from this point onwards the narrow (metre) gauge would be used.

44. It is to be borne in mind that in either case, that is whether on the Bolan route, or on the Sibi route, there will be considerable expense incurred

in making the roadway for the rails. The military road made in the Bolan Pass by General Phayre and his sepoy is excellent for its own purposes, and would be collaterally of service to those engaged in making a railway. But it would form no part of the roadway for the rails. No doubt if the Engineers had surveyed and marked out a line for a railway, the sepoy under General Phayre's vigorous and practised supervision would be of the utmost assistance in making a roadway especially in such difficult places as the ravine between Much and Dozan. But this particular work if it ever be undertaken has yet to be begun. Therefore the question remains whether this valuable and disciplined labour should be applied to an inferior route or to a superior route. I have understood from the Lieutenant-General at Candahar that there no longer remains any absolute military necessity for the Reserve Brigade remaining in the Bolan Pass. If the Brigade remain in the field, as is doubtless desirable, it may just as well be placed on the Sibi route as on the Bolan route. And its head-quarters would have in the Upper Chapar Valley even a better residence than they now have at Dozan. But besides military labour much other labour under any circumstances and by either route would have to be employed at some cost and for immediate financial effect it is the same whether the funds be disbursed on the Bolan route or the Sibi route. But for ultimate financial advantage and for administrative effect it makes all the difference to the public interest whether the expense be incurred on a route like the Bolan which at the best would be a makeshift and never quite satisfactory, or on a route like that of Sibi which is satisfactory in every respect. In the Bolan the money would be spent on what would always be regarded as a temporary work. On the Sibi route it would be spent on a permanent and excellent line worthy of the through communication between India and Afghanistan.

45. I am authorised to state that Sir Robert Sandeman concurs entirely in this Minute, and that Colonel Lindsay concurs in all those parts of it which relate to engineering and constructive points, subject always to detailed survey.

46. The joint recommendation of us three is, that the Sibi route, as above described, be adopted, and that our surveying and pioneering resources be immediately concentrated on that route. It appears open to me within the margin of the various instructions received from the Government of India, to instruct Colonel Lindsay to the above effect, and he has made, and is further making, arrangements accordingly. I have instructed the Director of Transport to afford aid to the railway officers with all the carriage that can be made available from the transport train. The two companies of Bombay Sappers which the Bombay Government despatched in October last (at the request of the Government of India) to help Colonel Lindsay's operations, have arrived at Mithri under Colonel Hills, R.E., and are there awaiting orders. I have directed them to proceed to such point or points on the Sibi route as Colonel Lindsay may settle in communication with Colonel Hills. As the route is not yet altogether safe for isolated surveying parties, the presence of sappers, who are effective combatants as well as workmen, will have a good effect.

47. * * * * *

48. This arrangement, is of course independent of any arrangements which may have been, or may yet be, made in the interior of the Murri country for controlling that tribe, or other neighbouring tribes, to which I need not here advert.

49. In conclusion, it will have been seen that we contemplate Gulistan Kariz being the obligatory place for which the railway is to make. This place is at the foot of the Gwaja Pass by which we hope to see the rail carried onward to Candahar. The old Gwaja Pass, as we all see, runs during a part of its course through a granitic formation quite impracticable for a railway. But parallel to the Gwaja Pass, and answering all its purposes, is the Durra Pass to which my attention was drawn by Colonel deBourbel, and which I have visited in company with Lieutenant Whiteford, R.E. There seems to be no doubt that the Durra Pass is very well suited for a railway in respect to gradients and curves and will answer very well, if no pass still better shall be found. It is scarcely to be hoped that a better passage will be found, as the main pass, the Khojuk, is, as we all see, manifestly inferior, and as the remaining pass, the Roghani, is believed to be worse still. I merely mention this to explain why

we indicate Gulistan Kariz as the point to which the survey is directed for the railway from the Indus Valley to Southern Afghanistan.

RICHARD TEMPLE.

NOTE ON THE BOLAN PASS ROUTE.

Director General of Railways' letter No. 9C. of 4th October informs me that the Government of India has decided on laying metre gauge permanent way up the Upper Bolan Pass to Pishin at one side of a road which General Phayre has undertaken to construct, with limiting gradients of 1 in 20, and curves of 70 feet radius, and I am desired to make a reconnoissance of General Phayre's road and ascertain the probable ruling gradients and curves upon the different sections of it.

2. I am not aware what information regarding General Phayre's road the Director General of Railways is in possession of, and as I cannot feel certain regarding the improvements contemplated, I am somewhat at a loss to know whether it is in the curves and gradients of the present road or on those of an improved section that I am to report. I consider therefore that I had better describe, very briefly, the road as it now is.

3. From the mouth of the Pass near Dadur to Kundilani a track has been cleared of stones and boulders along the bed of the river, but above the ordinary low water stream. The track crosses the present channel frequently and is 5 feet above it on an average; the high flood level is probably 10 feet above the present water level. Except where slight descents are made at the river crossings the gradients are easy and so are the curves, with two exceptions. Kundilani is 9 miles from Dadur.

4. From Kundilani to Kirta the track is of a similar description, but for three miles the limiting curves would apparently be necessary: it frequently crosses the low water channel, and the ramps into it have inclinations of about 1 in 15. The gorge is subject to floods of about 25 feet of water above the present channel and is flooded on those occasions from one side where the rocks are perpendicular to similar vertical rocks on the other. The distance from Kundilani to the Kirta plain is 8 miles. After emerging from the Kundilani ravine on to the Kirta plain the line of the present route is approximately straight, and, excepting where it crosses some old channels of the Bolan river, it has a gradual and easy ascent without any break of importance to New Bibinani, near which it however descends considerably. From Bibinani past Abigum to the left bank of the Bolan near Much the track ascends considerably and crosses the beds of two deep nullahs. All along this length the track is only subject to occasional floods of two or three feet in depth: the water-courses of course have a considerable depth of water.

5. From the left bank of the Bolan the road descends to the river bed, a depth of about 200 feet; a causeway, at present damaged, slants across the river, and a slight ascent brings the road to the high ground on the right bank where the camp of Much is formed.

6. From Much the road immediately descends again to the level of the river bed, crosses it, and ascends again with gradients of 1 in 6 and 1 in 10 to the Hirok plateau on the left bank of the Bolan river. Here again for about 3 miles the route is easy with a gradually ascending gradient, and the road is free from all but trifling floods: the direction is nearly straight. After the third mile from Much the road crosses the beds of two deep nullahs, the descents being steep and tortuous, and for the rest of the way to the summit of the Bolan Pass the road is of the same description: it crosses the bed of the stream constantly, the ramps down having slopes of about 1 in 15. The intermediate lengths, between the crossings, are free from unimportant floods, are straight in direction, average about 5 feet above the river bed, and have ascending gradients of about 1 in 20. Near Dozan a particularly tortuous rocky gorge is met with; it is about 2 miles long, is extremely narrow and has vertical cliffs from 200 feet to 300 feet high on either side. The route is subject to occasional floods, which are variously estimated at from 10 feet to 25 feet above the ordinary channel. From the summit of the Pass the descent is sharp for 200 or 300 feet; then the Dust plain is reached, and the route is open and easy.

to Quetta. The total fall in a length of 24 miles from Darwaza Bungalow to Quetta is 300 feet exactly as ascertained trigonometrically.

7. My opinion is not asked for as to whether a railway can be brought up the Bolan Pass by General Phayre's road, or by any alternative route along the Pass, but I may perhaps be permitted to interpret the spirit of the instructions given to mean that, under the circumstances, my opinion is required.

8. From Dadur to Kundilani a line can be made on a raised embankment without excessive labour and above ordinary high floods with easy gradients and moderate curves. At, and for 4 miles beyond, Kundilani a survey can alone show whether curves suitable for a broad gauge line are obtainable. The line there would have easy gradients, but would be subject to floods of about 25 feet in depth. A line with curves of a minimum radius of 70 feet is, I believe, obtainable. It may be possible to avoid the Bolan gorge near Kundilani altogether by taking the line up the Kundilani or Poostul ravine and then turning up through the Gokoort valley. An examination of this bit of country will occupy very little time. If the Kundilani gorge can be turned, which is uncertain, I apprehend little difficulty in bringing a railway of either gauge to Much with a maximum gradient of 1 in 40. The line would leave the present track, avoid the descent to New Bibinani, and keeping to the east of the Kirta valley would gradually ascend the sloping ground to the left bank of the Bolan River at Much. At Much I think I may say that a broad gauge line would have to terminate. From that point there seems to me to be no alternative between an enormously expensive permanent line and a purely temporary one with gradients of 1 in 20 and curves of 70 feet radius: this line would be subject to heavy floods, but they are of short duration, and their effects, though damaging and certainly risky, would not be utterly destructive. I am given to understand that floods do not occur here without ample warning, and that if proper arrangements are made for giving proper telegraphic notice of impending rainfall, the risk of a disaster is small.

9. If it be determined to construct a metre gauge railway I would recommend that the construction work should be as slight as possible: for instance, at Much, where it is necessary to cross the river twice, I would accept the maximum gradients and provide short sidings at the top of each ascent, so that trains could be divided and taken up wagon by wagon if necessary.

10. The Hirok plain should be taken advantage of, but after that I see no object in leaving the bed of the Bolan; the chance of occasional floods must be faced, and if the bed has constantly to be crossed, it may as well be adopted as the line. I do not mean that the bed of the river would be constantly kept to throughout, but that it would be kept to when its line was advantageous; assuming that no improvement on the Kundilani gorge can be found, a temporary line of railway up the Bolan Pass would present the following features:—

	Miles.	Gradients.	Curves.	Floods.
Dadur to Kundilani . . .	10	Easy.	Easy.	Above.
Kundilani to Kirta Plain . . .	8	Easy.	70 feet.	Below.
Kirta Plain to Much . . .	30	1 in 40.	Easy.	Above.
Much to summit of Pass . . .	22	1 in 20.	70 feet.	Below.
Summit to Quetta . . .	30	Easy.	Easy.	Above.
	100			

11. Thus out of a total length of 100 miles (longer than the present road in order to ease the ascent), 65 miles may be said to be comparatively easy and to be free from extreme floods, and 26 miles with the maximum gradient and minimum curves are subject to complete inundation when great floods take place.

12. Regarding the floods I regret to say I can obtain no reliable information; we know that in 1839 a great flood took place in the Pass, and that a detachment of cavalry only escaped by riding at full speed to a place of safety, while all the followers were lost. Sirdar Alludina, who lives near the summit of the Pass, declares that no such heavy flood has since taken place. It must be allowed that floods of extraordinary might and violence do occur

from time to time, and that although no warning, save the sound of the approaching water, is given to travellers down the Pass, the gathering of clouds and rainfall in the high hills give time for information being given by observers on the summit to those stationed down below.

13. In the case of a temporary road or line of railway which it is allowed cannot be raised above flood level, I do not think that it matters much whether the floods are 10 or 20 feet above the road.

14. My observations in this Pass have been made simply during a march up to Quetta, as time did not admit of my halting or examining alternative routes: I went, however, in company with Lieutenant-Colonel deBourbel, R.E., who has had other opportunities of inspecting the route, and I am authorised to state that he agrees with me in all that I have written about it with the following exceptions:—Lieutenant-Colonel deBourbel is not hopeful about the possibility of taking a broad gauge line nearly up to Much, and he does not think that any precautions in the way of signalling the fact of rain falling in the upper hills would save a disaster in the lower gorges.

J. G. LINDSAY, *Lieut.-Col. R.E.,*
Engineer-in-Chief, Sukkur-Quetta State Railway.

POSSIBLE TIME WITHIN WHICH A RAILWAY COULD BE OPENED FOR MILITARY TRANSPORT AND FOR TRAFFIC FROM THE PLAINS OF CUTCHI TO THE PLATEAU OF PISHIN.

Minute by the Governor of Bombay, dated 10th December 1879.

Having had the advantage of conferring with the Director General of Railways (Major-General Trevor, R.E.) on the subject of my Minute of last month (November), recommending, in concurrence with Sir Robert Sandeman and Colonel Lindsay, the Sibi route for the new railway from the plains of Cutchi to the plateau of Pishin, I deem it desirable to state approximately, in continuation, the probable time within which this railway could be opened for at least the transport of troops and materials of war, in view of military and political exigencies now existing. As this statement must depend on the topographical details given in my former Minute, I must beg that it may be read in connection with that Minute.

2. In the first place the broad gauge surface line has advanced 67 miles from its starting point at Rukh near Sukkur, besides which length there have been 10 miles of sidings laid down—including formation of roadway and laying down of rails—and is now in the heart of the Cutchi Desert. It is about 55 miles from Mithri opposite the mouth of the Bolan, and about 69 miles from Sibi. At first, and for some time in the Indus Valley, its progress was at the rate of one mile a day. But now the rate of one mile and a half a day has been established. It was hoped that by the present time a rate of two miles daily would be established; but this has not been found practicable owing to the great difficulty of watering arrangements for so large an establishment (3,500 men and 1,500 animals) in the midst of the desert, many miles away from any natural water-supply. It is intended, however, to make some further arrangements calculated to accelerate the progress to two miles daily. If all goes well, the rails may reach the point opposite Mithri by the second week in January, and Sibi by the 20th of that month—say by the 25th, in order to allow a margin of a few days for contingencies. Thus the end of the broad gauge railway would be reached; as Sibi is opposite the mouth of the Nari gorge, where the hill country begins, and where, as I understand, the narrow (metre) gauge is to begin also.

3. I learn from General Trevor that we may hope to see the narrow gauge materials begin to arrive, from England by sea, at Kurrachee early in January, and to continue arriving there during January and February. If that hope be realized, then the first consignment of metre gauge rails would reach Sibi by the new railway on the 25th January. Then the rails might be carried on through the Nari gorge, in advance by carts; it being important that the carting arrangements should commence on or about that date for reasons which I must pause to explain—again asking that remembrance may be had of the topography set forth in my former Minute.

4. It will be remembered, then, that near the village of Dargai at the foot of the Chapar Hill, and the base of the Adina range, the railway line leaves the lower valleys of the Nari River system and enters on the upper plateau leading to Pishin—the distance, Sibi to Dargai by the proposed line, being about 85 or 90 miles—the exact distance being subject always to detailed survey. Intermediately the principal place is Hurnai. Below Hurnai one of the affluents of the Nari breaks through a wall of rock, by an opening or natural gateway of some interest and beauty, which we call Spin Tangi; the local name being Tangi (or narrow opening) and Spin being a village near at hand. This Spin Tangi is the place which the Engineers have (very properly as I think) chosen for the passage of the railway. Indeed no visitor can fail to be struck by the remarkable facilities (the nature of the surrounding country being considered) which the opening affords for this purpose. It constitutes also a sort of natural division in this part of the line (Sibi to Dargai), because the climate below Spin Tangi is very severe from heat in the spring and summer; while above Spin Tangi it becomes comparatively moderate; and because below Spin Tangi the spill and overflow of the Nari and its affluents are troublesome occasionally for short periods towards the end of summer; while there is no appreciable trouble of this sort above Spin Tangi. Below Spin Tangi, although no serious obstacle exists, much work will be required for the permanent line, while a temporary line could be constructed rapidly; above Spin Tangi the country to Dargai is comparatively easy and admits of a permanent line being taken in hand at once.

5. The first step will, of course, be to survey fully the line from Sibi to Spin Tangi; indeed, this is being done already by a strongly organized staff, and the plans and sections will be ready by an early date. But, though the surveys will be done, we cannot promise that much will be done for actual construction on this piece during this working season, that is, during the first half of 1880; because on this piece the work will be heavy while the heat sets in with severity during spring and lasts through out summer. Something towards construction may be done, but nothing very considerable.

6. Under the circumstances, as regards both the season of the year and the character of the country, and with a view to political and military exigencies, I propose, after carefully consulting the Engineer-in-Chief, Colonel Lindsay, to begin on or about 25th January, say by the end of January, to send on the metre gauge materials (rails, sleepers and fastenings) by carts from Sibi to Spin Tangi. The road is not as yet passable for carts, but will be made so by the 25th January by means of the Sappers (of whom we have arranged to employ four companies) and some local labour. Supplies are procurable in the neighbourhood, and water is at all points procurable, while it is at most points abundantly excellent. Upon a precise calculation of the carrying power of the carts and bullocks, which we either possess or can obtain, I find that 45 miles length of metre gauge materials can be thus sent from Sibi to Spin Tangi in three months, that is during February, March and April next (1880), it being important to complete the carting work before the very hot weather sets in at Sibi; for this work fifteen hundred carts would be required. Of this number a portion would be available from the present transport cart service between Sind and Pishin—which service will be to some extent relieved by the opening of the railway to the point opposite Mithri—the remaining carts required would be easily collected, and the business would be entrusted to the organized Military Transport Department which we already have. Thus by the beginning of the hot season of 1880 the railway materials for the piece between Spin Tangi and Dargai would be stored at Spin Tangi.

7. Meanwhile the Engineers would have surveyed and aligned the permanent railway line just above Spin Tangi onwards to Hurnai, and beyond that again as far as might be practicable towards Dargai. Then it is hoped that the formation of the roadway, which is not difficult in that quarter, and the laying down of the rails, which it will be remembered are to have been stored at Spin Tangi, may go on during the summer, the climate thereabouts being comparatively moderate, or less severe,—the Sapper force being available and some local labour being obtainable—supplies being procurable in sufficient quantities and the water being both excellent and abundant. If all goes well, the line will

be made and the rails laid down from Spin Tangi to Dargai during next summer (1880) for the most part permanently and for the remainder temporarily, that is, with temporary diversions near unfinished bridges and the like, or say by September of next year.

8. Meanwhile, again, that is, during the cold season at the beginning of 1880, say during the months of January, February and March, the Engineers will have surveyed and planned the line between Sibi and Spin Tangi, completing that operation before the setting in of the hot season, so that this piece may be ready for actual works when the weather begins to moderate in October. During the working season of 1880-81, that is, by April 1881, this piece would be opened for traffic, partly by permanent line and partly by temporary line. Thus the engines would begin to work from Sibi to Dargai by April 1881.

9. Meanwhile, again, another important work would, according to my proposals, have been going on, which I must pause to explain. The reserve brigade (consisting of Bombay troops) might be moved from their present position in the Bolan Pass, where they have done so excellently well in military road-making, under the able and experienced guidance of General Phayre, to the south-eastern end of the Pishin plateau, where the railway is to go, that is, to Gwal, which was indicated in my former Minute as one of the obligatory points to which the railway is to be directed. These experienced troops would then be occupied in preparing the roadway for the rails, according to any alignment which the Engineers might give, from Gwal downwards to the Chapar Hill immediately over Dargai above mentioned, a distance of about 36 miles, together with an ordinary cart-road alongside the railway line for the service of the railway works. All this would not be a difficult task for a brigade which made a military road up the Bolan Pass in three months. The climate of Gwal is quite temperate in the summer and very moderate between Gwal and Chapar; very suitable for the head-quarters of a brigade, water being excellent and supplies available; so that men could work there during the summer season. If then the railway staff shall have been strong enough to survey and align the roadway for the rails from Gwal to Chapar during 1880, and if General Phayre and his brigade shall have been stationed there to make it, then, on the opening of the line from Sibi to Dargai early in 1881, the laying of the rails onwards from Dargai by Chapar to Gwal might immediately proceed, and might be completed to Gwal by May of that year.

10. It is of course to be remembered that at the base of the Chapar Hill there is the difficult passage of the railway through the Chapar Rift, described in my former Minute, or the alternative of winding round the side of the Adina Mountain. The permanent construction of the line hereabouts will take some time, but a temporary line could be soon made to connect the work below Dargai with the work above Chapar. At this point, as well as at the Spin Tangi point, the assistance of the Sappers already alluded to will be most valuable.

11. By this combination of resources, and by this utilization of all opportunities afforded by time and circumstance, the railway engine would arrive at Gwal in Pishin by May 1881 by a line permanently aligned though constructed permanently in part only, the remainder being a temporary construction indeed, but in fair way of being rendered permanent within the ensuing twelve months. The railway would reach Dargai at the base of the Pishin plateau within 30 or 35 miles by a somewhat earlier date, that is, January 1881. In other words, by January or February 1881 the engine would reach Dargai, within 35 miles of the eastern end of Pishin plateau, with a military transport road (as above described) up to the plateau; and by May of that year would be at Gwal in Pishin. In either case the political and military advantages would be great, and would have been attained with some degree of rapidity.

12. If the railway having thus reached the border of Pishin were to stop there for a time, it would be quite easy to establish a base at Dargai or Gwal, preferably Gwal, by the cart-road already mentioned, whence the military transport train of carts, camels, mules, &c., could move onwards to Candahar or any intermediate places. Such a transport train line would pass within an easy distance too of Quetta.

13. But having got the line to Gwal in Pishin we ought certainly to carry it one step further, namely, along the easy bank of the Kakar Lora river (as explained in my former Minute) to Kachlak near Quetta, a distance of about 30 miles: Kachlak is within a short distance of Quetta, only one day's march, by a line easily admitting of a short branch railway being made to Quetta if desired hereafter. Again, Kachlak is on the high road either to Gulistan Kariz at the foot of the Gwaja Pass, or to Kila Abdoolah at the foot of the Khojuk Pass, which are of course the two main Passes over the Khwaja Amran range of hills on the way to Candahar. The piece of railway from Gwal to Kachlak could be opened in about two months after the opening of the line to Gwal.

14. It is to be borne in mind that the line thus proposed to be opened to the Pishin plateau by the middle of 1881 would be constructed beyond the reach of floods, or spills, for the greater part of its length, that is, from Spin Tangi to Gwal, about 70 miles. But for the remainder from Sibi to Spin Tangi, 40 miles, also for the short piece at the base of the Chapar Hill, say a very few miles, it would be in some places within the reach of floods and spills, and would be liable to interruption for a day or two occasionally towards the end of summer. But, as already explained, the railway being on a line suited for permanent construction, these periodical interruptions would be apprehended only so long as the permanent work might remain incomplete, that is, for a year or two.

15. I am authorized to say that Colonel Lindsay entirely concurs in this Minute, subject always to detailed surveys.

16. I offer this general programme of operations (in view of military and political exigencies) which will be carried out if all goes well; and if the materials arrive from England in due time. I duly remember that delays or disappointments may supervene. Still the Government may rely on every effort being put forth, by myself and by all concerned, to perform what is required.

RICHARD TEMPLE.

Telegram, dated 18th December 1879.

<i>From—Calcutta,</i>	|	<i>To—Bombay.</i>
<i>From—Works,</i>	|	<i>To—Governor.</i>

It has been decided, after consideration of Your Excellency's Minutes, to adopt the route by Sibi, Hurnai and Gwal for the railway to Candahar. Steps can be taken to proceed with the works in accordance with Your Excellency's proposals, dated the 10th instant.

Orders in regard to the disposition of the troops required for the protection of the people engaged on the works will be issued from the Military Department.

Telegram, dated 15th January 1880.

<i>From—Malabar Point,</i>	|	<i>To—Calcutta.</i>
<i>From—Governor,</i>	|	<i>To—General Fraser.</i>

Construction of railway to Sibi was as follows: 133½ miles in 101 days.

GOVERNMENT OF INDIA.
HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

PROPOSALS FOR A BILL FOR REGISTERING PARTNERSHIPS.

No. 2583, dated Fort William, the 13th October 1874.

From—A. C. LYALL, Esq., Secretary to the Govt. of India, HOME DEPT.,

To—The Secretary to the Government of Bombay.

I am directed to acknowledge the receipt of your letter No. 4081, dated 17th July, submitting copy of a communication from the Bombay Chamber of Commerce, in which they request a reconsideration of the decision of the Government of India that it is at present undesirable to pass a law making the registration of partnerships compulsory.

2. The practical impediments in the way of giving effect to the measure, which were pointed out by the Government of India in my letter No. 2962, dated 15th September 1873, were two in number, *viz.*, (1) the interference with trade which would be caused on the one hand by compelling registration of every species of partnership however transitory and restricted; and, on the other, the difficulty of distinguishing between partnerships of greater or less extent or duration; (2) the existence of a vast mass of unregistered interests which the law must either recognize, and thereby render the register very imperfect if not misleading, or refuse to recognize, to the great hardship of the persons so interested. It was also observed that, looking to the two grounds upon which the Chamber of Commerce specifically based their application, the facts described pointed rather to inaction on the part of the creditor than to defects in the existing law.

3. The letter now communicated from the Chamber of Commerce does not remove the objections felt by the Government of India. As regards the first impediment, the Chamber of Commerce now explain that they never contemplated the registration of partnerships for special ventures, but only the registration of "regular standing firms." They do not point out what legal distinction can be taken between partnerships varying only in the extent and duration of their business. But their opinion is understood to be that no difficulty need be apprehended in distinguishing between partnerships, so as to exempt from the operation of the compulsory law of registry trading ventures of the kind illustrated by my former letter.

4. His Excellency the Governor General desires me to reply that the opinion on such a subject of the Chamber of Commerce will always command due consideration; but that, after giving careful attention to the case again presented, he is convinced that such a distinction is not founded on any principle of law, and that an attempt to create it will only lead to embarrassment.

5. Moreover, assuming for the sake of argument that the distinction is practicable, it would then become necessary to consider whether the exemption of partnerships for special ventures from any established system of compulsory registration ought to be made. It might be argued that this is precisely the class of partnerships for which compulsory registration, if useful at all, would act most beneficially. A permanently established firm is before the community, it announces itself as a trading partnership, its dealings and style of business become known, and it is open to all to make the usual precautionary enquiries alluded to in the 5th paragraph of my preceding letter; but with temporary partnerships, such as those with which the Chamber declare they would not interfere, the case is different. These spring up suddenly; the parties to them are not necessarily even known in business circles; there is no knowledge how long they are meant to last, and yet, for the purposes of the particular transaction or set of transactions for which they are formed, their legal properties and incidents are precisely the same as those of other partnerships. Now, if legislation is to be called in to aid merchants and traders in deciding to whom they will or will not give credit, it seems hardly reasonable to lay this obligation upon permanently established firms and to exempt that class of partnerships regarding which information through the ordinary channels would probably be more difficult to obtain, and therefore compulsory information all the more valuable.

6. If then registration is to be compulsory for any partnerships other than Joint Stock Companies, which stand on a totally distinct legal footing, it must, in the opinion of the Government of India, be compulsory for all. But this has been before objected to as a serious interference with the ordinary transactions of trade—an objection from which it would seem that the Chamber of Commerce is not prepared to dissent.

7. The second practical impediment relates to unregistered interests, and presents itself everywhere, but with peculiar force in India because of the system of undivided families. It is to be observed, in the first place, that the Chamber of Commerce have not formed an opinion on the question whether or no all members of a family should be registered. They only say that it is not impossible so to register them. It appears, however, to the Government of India that, though to do so may not be impossible, it would be attended, first, with the necessity of observing a number of forms that would be found very vexatious, and, secondly, with a risk or rather certainty of errors and omissions which would produce much litigation and hardship.

8. If, however, the whole are not registered, the Chamber appear to contemplate a mode of registry by which some person shall be taken as representing and binding the whole family. But before members of families can be bound by entries in registers not made by themselves, very carefully considered provisions would be required, lest the action of a representative, or of one who claims to be such, should have the effect of depriving of their rights, or of burdening with liabilities, persons who might know nothing about the matter. It is clear that in order to obtain a registration of partnerships the Chamber of Commerce now suggest a substantial modification of the law respecting undivided Hindoo families which they can hardly have contemplated when they made their original proposal. On such an alteration the Government of India is not prepared to embark. It would require to be considered on its own merits and would require careful and extensive enquiry.

9. As regards the mischief arising from defects in the existing law, I am to observe that my letter of the 15th September 1873 dealt with the specific representations of evils needing remedy, upon which the Chamber's letter of the 28th February 1867 was founded. It does not appear that anything has been added, under this head, to what was specified in 1867. The Chamber of Commerce indeed affirm again that neither precaution nor care avails to protect persons from imposition and loss in dealing with Native firms. But even if the great practical impediments in the way of compulsory registration could be removed or avoided, the Government of India, before passing a law involving such widespread interests as the measure proposed, would still require more definite information as to the nature of the mischief to be cured, and as to the probable working, from every point of view, and upon commercial interests generally, of the remedy proposed. The Government would need to learn in detail such particulars, as, for instance, what are the frauds in question from which commerce especially suffers, how they are effected, how far they are favoured by the absence of registries, and in what way the establishment of a registry would prevent them. And, with advertence to the precedent which the Chamber draw from the fact that registration of firms is required by the law of some European States, I am to remark, first, that no arguments drawn from European practice would apply to the system of conducting business which is described in the 8th paragraph of the Chamber's letter; and, secondly, that the practice in question does not prevail in England, whose institutions have not been found unfavourable to commercial enterprise and success.

10. His Excellency the Governor General in Council observes that the Government of Bombay, in forwarding the two last letters received from the Chamber of Commerce, have not gone beyond a general opinion that a measure of the character suggested would be advantageous. On the whole, therefore, the Government of India adhere to the reply conveyed by the last paragraph of my letter of 15th September 1873, namely, that they are not prepared to support any system of compulsory registration until the want of it has been shown to be causing mischief to people of ordinary prudence, and until a system shall have been devised which will not embarrass ordinary commercial business, or interfere with ordinary family arrangements.

No. 5376, dated Bombay Castle, the 6th September 1879.

From—J. NUGENT, Esq., Acting Secretary to the Govt. of Bombay, Judicial Dept.,

To—The Officiating Secretary to the Government of India.

I am directed to forward herewith, for submission to the Government of India, copy of a letter, with its accompaniments, dated the 22nd ultimo, from the Chairman and Secretary of the Bombay Chamber of Commerce, addressed to this Government on the subject of a proposed legislative enactment having in view the compulsory registration of partnerships.

2. The facts mentioned and arguments adduced by the Chamber of Commerce clearly establish, in the opinion of this Government, the necessity for the adoption of measures in the direction indicated. The subject is one of the greatest importance to the merchants and bankers of Bombay, Native as well as European, affecting as it does the existence of credit itself and consequently the very basis on which trade rests. Not only are the European banking and mercantile firms fully impressed with the necessity for the legislation suggested, but the leading Native merchants of Bombay are also strongly in favour of the passing of a law which shall render compulsory the registrations of partnerships as will be perceived from the letter addressed to the Secretary to the Chamber of Commerce, signed by 32 of the principal Native gentlemen engaged in trade in Bombay, the majority of the signatories being Hindus, members of the Bania and Bhattia castes.

3. His Excellency the Governor in Council, I am desired to state, concurs in the views expressed by the Chamber of Commerce. He considers legislation of the nature proposed to be highly desirable, and in fact essential to the welfare of the entire mercantile community of Bombay, and he would most earnestly solicit the favourable consideration of the Government of India to the request preferred by the Chamber of Commerce.

Dated Bombay, the 22nd August 1879.

From—M. MOWATT, Esq., Chairman, and JOHN GORDON, Esq., Secretary to the Bombay Chamber of Commerce.

To—The Secretary to the Government of Bombay, Judicial Department.

I am directed by the Committee of the Chamber of Commerce to forward herewith, for the information of His Excellency the Governor in Council, two memorials addressed to the Chamber—one annexure marked A, by the European bankers and merchants in Bombay, and the other, annexure marked B, by the principal Native bankers and merchants, suggesting the desirability of again bringing before Government the necessity which exists for a legislative enactment for the compulsory registration of partnerships.

An application for such an enactment was made to Government on the 28th of February 1867. The proposals then made by the Chamber were supported by the Government of Bombay, and by the Chambers of Commerce of Bengal and Madras; and His Excellency the Governor General in Council, in his reply dated Simla, 31st July 1867, remarked that, from the arguments adduced and the state of things disclosed in the Chamber's representation, a measure requiring the registration of partnerships might then be introduced into the Council with a reasonable prospect of its ultimate adoption, provided it were confined to purely commercial partnerships, and if its operation were limited, at all events, in the first instance, to the Presidency towns.

Nothing further, however, was heard on the subject until the 15th of September 1873, when, in answer to the repeated inquiries of the Chamber the Government of India announced that they had arrived at the conclusion that it was not advisable to undertake at that time any legislation in this direction, nor to support any system of compulsory registration until the want of it was shown to be causing mischief to people of ordinary prudence, and until a system should have been devised which would not embarrass ordinary commercial business, or interfere with ordinary family arrangements. To this communication the Chamber replied in a letter addressed to the Secretary to Government, Judicial Department, on the 30th June 1874, in which the Chamber entered fully into the objections urged by the Government of India; but the Government of India, in their letter dated 13th October 1874, maintained their objections to the measure, and no further steps have since been taken.

In the representation made by the Chamber in 1867 it was stated, among the reasons for the measure, that the numerous insolvencies of Native firms which had taken place in Bombay within the previous ten months had revealed a very scandalous state of things in respect to the manner in which Native copartneries were commonly carried on. It had been proved, when investigating the facts connected with some of the insolvencies under Act XXVIII of 1865, that Native merchants had been carrying on business under several different names, and had thus obtained credit and advances from English merchants and bankers which would never have been accorded to them had the actual state of affairs regarding the constitution of those Native firms been known. Cases were known to the Chamber where men had regularly bought and sold for Native firms, signed the names of the firms, and were always supposed to be members of the firms; yet, when insolvency afterwards ensued, they denied that they were partners, and were thus enabled to get rid of their liability because it was almost impossible to prove their statements to be untrue.

The object of a compulsory registration of partnerships, as advocated by the Chamber, was to reduce the risk attendant on the transaction of business on the part of European houses with Native firms, by placing it within the power of such houses to find out the individuals with whom they were actually trading, and to ascertain exactly whom they could hold responsible in any transaction, and to afford a ready mode of proving who were the parties responsible. The Chamber was of opinion that all that would be necessary or desirable in a compulsory registration of partnerships would be the names, ages, and residences of the persons composing the firm, and the style of the firm, and place or places of business. But, as a very large amount of the business of Native firms was carried on in Bombay by moonimis or mehtas authorized to sign the firm, the Chamber recommended, in addition to the registration of partners, the registration of the names, ages, and residences of all persons authorized, by power of attorney or otherwise, to sign the names of firms. Further details of the measure then proposed will be found in the Chamber's letter addressed to the Secretary to Government in the Judicial Department on the 25th of January 1868.

The Chamber in again asking that a law similar to the one which it applied for in 1867 be passed, desires to avail itself of the opportunity of answering the objections taken to the measure by the Government of India in their last communications on the subject.

The Government of India, in their letters to the Government of Bombay of the 15th September 1873 and 13th October 1874, consider that there are two practical impediments in the way of giving effect to the measure, *viz.*, (1) the interference with trade which would be caused on the one hand by compelling registration of every species of partnership, however transitory and restricted, and a supposed case of two or three persons combining to send a cargo of merchandise from Bombay to Bushire and to bring it back was adduced to show that it would not be desirable that they should be obliged to register themselves or else be liable to legal disabilities; and, on the other hand, the difficulty of distinguishing between partnerships of greater or less extent or duration; (2) the existence of a vast mass of unregistered interests which the law must either recognize, and thereby render the register very imperfect, if not misleading, or refuse to recognize, to the great hardship of the persons so interested.

With regard to the first of these impediments, the Chamber respectfully submits that private partnerships formed for special ventures should be exempted from the operation of the compulsory law of registry, but that all other partnerships of greater extent or duration should be registered. The Chamber has already in its letter of 30th June 1874 expressed its opinion that no difficulty need be apprehended on the point whether the partnership is one which may continue only at the will of the parties, or whether it is one for a fixed term of years according to agreement between them; in either case there is a partnership, and all that is asked for is that there should be a registration of the partners while the partnership lasts, and an announcement noted in the books of the Registrar of any change, when changes are made, or when the partnership is dissolved. The principle on which this distinction is founded is that, while in a single venture

the interest and credit of the party or parties might be ascertained, bankers and merchants are unable without the aid of legislation to protect themselves against the fraudulent representations of persons who, in conducting the business of Native firms, admit that they are partners, and act as such, but who, when insolvency ensues, deny that they are partners. His Excellency the Governor General in Council says that he understands that if the person dealt with is an ostensible partner, or has so dealt with others that credit has been reasonably given to him, he is liable. But his liability can in many cases only be established by means of a costly and uncertain suit, rendered still more tedious and vexatious by the enormous difficulty of procuring proof in all such cases. If there existed a law compelling registration of partnerships, litigation would seldom be necessary. The Chamber is wholly at a loss to conceive how the introduction of such a law would lead to embarrassment: on the contrary, it is convinced that it would result in great moral good, and in the removal of many of the difficulties and losses which bankers and merchants now suffer, not from incaution, but from fraud and misrepresentation.

With regard to the second practical impediment relating to unregistered interests, the Government of India state that, though it may not be impossible to register all the members of an undivided Hindu family, it would be attended, first, with the necessity of observing a number of forms that would be found very vexatious, and, secondly, with a risk, or rather certainty, of errors and omissions which would produce much litigation and hardship. They then proceed to remark—"If, however, the whole are not registered, the Chamber appear to contemplate a mode of registry by which some person shall be taken as representing and binding the whole family. But, before members of families can be bound by entries in registers not made by themselves, very carefully considered provisions would be required, lest the action of a representative, or of one who claims to be such, should have the effect of depriving of their rights, or of burdening with liabilities, persons who might know nothing about the matter. It is clear that, in order to obtain a registration of partnerships, the Chamber of Commerce now suggest a substantial modification of the law respecting undivided Hindu families, which they can hardly have contemplated when they made their original proposal."

The Chamber, I am desired to say, had not overlooked the difficulties to which compulsory registration in the case of an undivided Hindu family might give rise, but it stated that such difficulties did not appear to be insuperable. "For the registration of all the members of a Hindu family," the Chamber added, "would not be impossible; or a system might be applied to them similar to that of limited liability companies, which are always represented by an individual who is authorized in a valid manner to act; and he should be bound to file a list of the names and interests of all those for whom he is acting, when registering his own name as managing member of the family, and its representative in the firm. Hindu families might, moreover, be dealt with as 'commanditaires,' in which case the undivided property would only be liable, or only liable to a certain extent. By adopting these measures anything in the shape of confusion or hardship would be avoided; and, as the various members of undivided Hindu families are all benefited by the profits of the business conducted by their representative, it is only fair and reasonable that they should be liable for losses when these are incurred, and not allowed, as is now the case, to escape payment of just debts simply because no documentary evidence of any kind is in existence to prove the liability of the whole family." The Chamber, however, has referred this question to its legal advisers, Messrs. Craigie, Lynch, and Owen, more particularly with reference to the objection of the Government of India that the proposal would have the effect of causing a substantial modification of the law respecting Hindu families. Messrs. Craigie, Lynch, and Owen state that they cannot see that the objection has any real foundation; inasmuch as they cannot imagine a case in which the law respecting undivided Hindu families would of necessity become seriously modified or altered in any important respect by reason of the proposed legislation. A copy of Messrs. Craigie, Lynch, and Owen's opinion, marked C, is appended hereto, to which the attention of Government is respectfully requested; and, with reference to their remarks under the fourth example given by them, namely, the case of an

individual member of an undivided Hindu family, carrying on business professedly on account of the family, but really on his own account, I am directed to say that the Chamber approves of their suggestion that registration should be merely *prima facie* proof that the persons registered have a share or interest in the business.

The Government of India, moreover, observe that, looking to the two grounds upon which the Chamber specifically based its application in 1867, the facts described pointed rather to incaution on the part of the creditor than to defects in the existing law. The evils then represented remain in equal force at the present day, but the ground upon which the Chamber desires more particularly to base its present application are the frauds perpetrated by persons conducting the business of Native firms, who sign the names of the firms and admit, as it suits them, that they are partners, who are generally supposed to be partners, but who, when disasters afterwards arise, deny their partnership. The Government of India, however, continued that even if the great practical impediments in the way of compulsory registration could be removed or avoided, they would, before passing such a law, need to learn in detail what were the frauds in question from which commerce especially suffered, how they were effected, how far they were favoured by the absence of registries, and in what way the establishment of a registry would prevent them. The Chamber has accordingly the honour to submit the following cases which illustrate the necessity for such a law being passed:—

1. At the Criminal Sessions of the High Court of Bombay, held 12th July 1876, Lulloobhoy Gopal Dass, Vullubbhoy Gopal Dass, Manock-lall Gopaldass and Nanabhoy Curson Dass were charged as follows: Lulloobhoy with having on the 5th, 6th and 24th April 1875 intentionally given false evidence in a judicial proceeding—*viz.*, suit 141 of 1875, by stating, under a solemn affirmation when legally bound to state the truth, that he never carried on business in partnership with Vullubbhoy Gopaldass, and that, before any transaction was made under a certain partnership agreement dated 20th February 1871 with Bhanjee Ludha, the arrangement for partnership ceased to be acted on a few days after execution, and Bhanjee Ludha was informed of the same, knowing and having reason to believe such statement to be false; and the other prisoners were charged with abetting the said Lulloobhoy Gopaldass to give false evidence by entering into a conspiracy to represent, in certain legal proceedings taken against Vullubbhoy Gopaldass, that they were not in partnership with Vullubbhoy Gopaldass in the business carried on under his name.

After a trial which lasted four days, all the four prisoners were convicted by the jury, and respectively sentenced to two years' rigorous imprisonment.

2. At the Criminal Sessions of the High Court of Bombay, held 30th November 1878, Motichund Phoolchund was charged with giving false evidence in a case heard before Mr. Justice Bayley on the 1st September last, in having falsely stated on solemn affirmation that he was not a partner of Leera Phoolchund in the firm of Poput Leera, but was only a goomosta in the employ of the firm.

Mr. Starling briefly stated the facts of the case to be these. A suit having been filed against prisoner and another in the High Court, he denied in his written statement, and also in the witness-box, that he was a partner in the firm of Poput Leera. In 1875, the firm of Dyabhoy Dosabhoy had dealings with the prisoner's firm known by the name of Leera Phoolchund; and in respect of those dealings the former firm had a guarantee from a third party. After some time prisoner got an account opened in the name of Poput Leera, representing that he and his brother were the partners in it. Leera was never in Bombay, and the prisoner managed all the transactions of the firm, always giving himself out as a partner. After some time prisoner's firm became indebted to the other firm to the amount of Rs. 24,000; the prisoner was about

to leave the jurisdiction; and the prosecutor, a partner in the firm of Dyabhoy Dosabhoy, filed a suit against him, which was heard before Mr. Justice Bayley. Prisoner was arrested on a warrant before judgment; and he denied that he was a partner in the firm of Poput Leera. In his written statement and in his evidence he denied that he was a partner. The judge disbelieved him and gave a judgment against him, at the same time giving sanction that he should be prosecuted for false swearing.

The sanction given by Mr. Justice Bayley was put in.

At the close of the trial the jury found the prisoner guilty, and he was sentenced to be imprisoned for six months.

3. Nagurdass Permanundass failed in 1874. Vizboocundass Nagurdass, an active member in the conduct of the business here, denied his partnership. Luckmidass Khimjee filed a suit, No. 161 of 1876, in the High Court of Judicature at Bombay, and Vizboocundass was held to be a partner.

4. In one of the leading Banks, a Native constituent who had, with his own hand, signed the name of his firm to a deed involving a considerable sum of money, afterwards, in the Board room of the Bank, attempted, when it suited his purpose, to evade his liability as a partner by denying that he was one. He has recently admitted in the Police Court that he is a partner.

5. Gungaram Hurruckhund failed in 1878. A European house who did business with them was assured that the insolvent's firm consisted of four wealthy partners. At the time of the failure the European house only found one to acknowledge the debts due by the firm, and the wealthiest member of all was said to have retired some years ago.

These cases fairly illustrate the kind of frauds from which the commerce of this city suffers, and which the establishment of a registry would, the Chamber believes, in a great measure prevent. Other cases might be taken from the Law Reports and many others from the numerous instances of similar frauds which are never prosecuted, the merchant preferring to submit to the first loss rather than to engage in expensive and tedious litigation. The Chamber, however, hopes that the cases adduced are sufficient to prove that persons of ordinary prudence can have no protection from the fraudulent character of the transactions which these cases disclose. Had there been a compulsory Registration Act many of the frauds which have been perpetrated would have been impracticable. The Chamber considers that it would be quite feasible to frame an enactment which would be of great value and assistance to those engaged in mercantile business, and would nevertheless leave the law as it at present exists respecting undivided Hindu families practically unaltered; and, in renewing its application for such an enactment, I am directed to suggest that, if it should be found undesirable to extend the operation of the Act to the whole of India, it might, as a tentative measure, be confined to the Presidency of Bombay. It is deeply impressed with the necessity of some measure of the kind being introduced for the protection of the mercantile community, and it desires respectfully to express its hope that His Excellency the Governor in Council will take it into his early consideration, and press it upon the attention of the Government of India with a view to legislation at an early date. Should the Government of India, however, still decline to undertake any legislation in this direction, the Chamber hopes that His Excellency will be pleased to favour the Chamber by asking the Government of India to state their objections in specific, instead of in general, terms.

A

Dated Bombay, the 19th June 1879.

To—JOHN GORDON, Esq., Secretary, Chamber of Commerce, Bombay.

The numerous failures which have of late taken place, particularly amongst Native traders, suggest the desirability of again bringing before Government

the necessity which exists for a legislative enactment for the enforcement of a registration of partnerships. We are quite aware that the Chamber some years ago brought this important matter to the notice of Government, and also forwarded a petition from several of the leading Native merchants and bankers praying for the registration of deeds of trust or gifts in addition to the registration of partnerships. We now beg that you will be good enough to bring this matter to the notice of the Committee, and ask them to be pleased to move Government again on the subject. In making the fresh appeal, the registration of partnerships alone might be asked for, and if it should be found undesirable to extend the operations of an Act to the whole of India, a trial might in the first instance be confined to the Bombay Presidency. The arguments advanced by the Government of India against the Bill are, in our opinion, susceptible of a satisfactory reply, and we would ask the Committee of the Chamber to be good enough to undertake this duty. We have no desire that parties entering into a partnership for a single venture should be compelled to register; and in cases where an undivided Hindu family have an interest in a firm it would be quite sufficient to give the name of the family.

We are, Sir,

Your most obedient Servants,

For BANK OF BOMBAY,

M. BALFOUR,
Secretary and Treasurer.

RITCHIE, STEUART & Co.

For THE CHARTERED MERCANTILE BANK OF INDIA,
LONDON, AND CHINA,
H. W. JONES,
Agent, Bombay.

For THE ORIENTAL BANK CORPORATION,
R. D. CAIRNS,
For Agent, Bombay.

For THE COMPTOIR D'ESCOMPTE DE PARIS,
F. VOUILLON,
Acting Manager.

For THE NATIONAL BANK OF INDIA,
W. A. BAKER,
Manager.

For THE AGRA BANK,
W. S. D. BLACKHALL.
AND 41 OTHERS.

B

Dated Bombay, the 30th June 1879.

To—J. GORDON, Esq., Secretary to the Chamber of Commerce, Bombay.

We have heard with much pleasure that the bankers and principal European merchants of Bombay addressed to you last week a letter on the subject of the desirability of a legislative measure for the compulsory registration of partnerships, and this fact gives us the opportunity of recalling to the attention of the members of your Chamber the representation made to them by many of us in February 1867 on the same subject.

We think that, after the circumstance of the recent failures among Native dealers, the time has come for bringing again to the notice of Government the undoubted necessity which exists of a legislative enactment for the compulsory registration of partnerships. If Government is indisposed to pass an Act with this object for the whole of India, or the whole of this Presidency, the boon

can be granted at first to the city of Bombay alone, as a trial. The effects of it, we have, no doubt, will be beneficial to trade and to commercial morality.

We have the honour to be,

Dear Sir,

Your most obedient Servants,

VURJEEVUNDASS MADOWDASS.

DINSHAW MANOCKJEE PETIT.

CURRUMCHUND PREMCHUND, by

PREMCHUND LULLOOBHROY.

AND 29 OTHERS.

C

Dated Bombay, the 30th July 1879.

To—JOHN GORDON, Esq., Secretary to the Chamber of Commerce, Bombay.

With reference to your interview with us on the 24th instant, on the subject of the registration of partnerships, when you directed our attention to certain passages in the correspondence between the Government of India and the Chamber, we beg, as requested, to offer the following observations.

The Chamber, we understand, propose that every man trading in partnership with another or others should be compelled to register the names of all the partners in the concern. One of the principal objections of the Government of India to this proposal is that it would have the effect of causing "a substantial modification of the law respecting undivided Hindu families," and you wish us to state whether we can suggest any means by which this objection can be removed.

We cannot see that the objection has any real foundation; inasmuch as we cannot imagine a case in which the law respecting undivided Hindu families would of necessity become seriously modified or altered in any important respect by reason of the proposed legislation.

Take for example the four following cases:—

- 1.—An individual member of an undivided Hindu family carrying on business in his own name on his own account.
- 2.—An individual member of an undivided Hindu family carrying on business in his own name professedly on his own account, but really on account of the family.
- 3.—An individual member of an undivided Hindu family carrying on business both professedly and really on account of the family.
- 4.—An individual member of an undivided Hindu family carrying on business professedly on account of the family, but really on his own account.

In the first case the individual member of the family would, as the law stands at present, be alone responsible for the debts of his business, and only his share of the family property would be liable to satisfy his debts. We do not know whether under the proposed legislation it is intended that a man trading solely on his own account and in his own name should be compelled to register his name as the sole proprietor of the concern, but whether this be or be not intended, the law would, so far as the rights of the other members of his family are concerned, be the same.

We assume either that no name at all is registered, or that the name of the individual is alone registered.

In the second case, as the law stands at present, all the members of the family, and the whole of the family property, would be liable to satisfy the debts of the business, and under the proposed legislation the law would so far be the same; but each member—or at any rate each adult member—of the family would, we presume, be liable to some penalty for having failed to register their names as partners, and further those members whose names were not registered would, we presume, under the proposed law be debarred from establishing their claim to any share in the profits of the concern. In this latter respect a change in the law respecting undivided Hindu families would no doubt be effected; but it cannot be described as a "substantial modification,"

nor can it, we should think, be considered an undesirable or inconvenient change. It would be impossible for any member of an undivided family to carry on business with the family property and on behalf of the family without the other members being aware of it; and if, being aware of it, they neglect to register their names as partners, they have only themselves to blame if they are debarred from sharing the profits.

In the third case the names of all parties would, we assume, be registered, and all the members of the family, and the whole of the family property, would, as at present, be liable to satisfy the debts of the business.

In the last case we also assume that the names of all the members of the family are registered as partners; and if the effect of such registration were to be that they thereby became in law partners, a very substantial modification of the law respecting undivided Hindu families would no doubt be effected. But we do not understand that the Chamber propose that registration should have this effect. If, however, we are wrong, and the Chamber do intend that such should be the effect of registration, we would suggest, as a modification of their views, that registration in the case mentioned should be merely *prima facie* proof that the persons registered have a share or interest in the business. The onus of proof that they were not partners in the concern would thus be thrown on the persons whose names were registered, and to this extent also a modification, but not a substantial or important one, would be effected in the law as it stands at present, for if the persons whose names appeared on the register should prove that they were not partners, not only they, but their shares in the family property, would be discharged from all liability to satisfy the debts of the concern.

We have endeavoured to deal with the objection of the Government of India by suggesting hypothetical cases, but it is of course impossible to state every imaginable case, and it is also very difficult to meet satisfactorily an objection which is stated in such general terms as this one has been.

We think, however, that it would be quite feasible to frame an enactment which would be of great value and assistance to those engaged in mercantile business, and which would nevertheless leave the law as it at present exists respecting undivided Hindu families practically unaltered.

We return herewith the two volumes of reports of the Chamber.

We are, dear Sir,
Yours truly,

CRAIGIE, LYNCH AND OWEN.

Dated Madras, the 29th October 1879.

From—The Hon'ble P. MACFADYEN, Chairman, Chamber of Commerce, Madras,
To—The Secy. to the Government of India, LEGISLATIVE DEPARTMENT.

With reference to the Proceedings of the Madras Government, No. 2567, dated 4th October 1879, copy of which is annexed, I have the honour to forward herewith, for the consideration of the Government of India in the Legislative Department, a copy of this Chamber's letter, dated 17th September 1879, on the subject of the registration of native partnerships in India. The Chamber venture to hope that the Government of India will give their serious attention to this important question.

Extract from the Proceedings of the Madras Government, Judicial Department, No. 2567, dated Madras, 4th October 1879.

Read the following letter—

Dated Madras, the 17th September 1879.

From—The Hon'ble P. MACFADYEN, Chairman, Chamber of Commerce, Madras,
To—The Chief Secy. to the Government of Madras.

The Chamber have desired me to direct the attention of the Madras Government to their Proceedings in the Judicial Department, dated 19th July 1867, wherein will be found a letter from this Chamber urging upon the Government

the necessity of some legal measure for making the registration of Native partnerships compulsory under penalties.

The Bombay and Bengal Chambers of Commerce and a considerable number of Native bankers and merchants in the former Presidency were unanimous in asking the Government of India to legislate in this direction, and the Government were pleased to observe that the state of things brought to notice in the appeals from the Bombay Chamber of Commerce let the Governor General in Council to think "that a measure requiring the registration of partnerships might now be introduced to the Council with a reasonable prospect of its ultimate adoption, provided it were confined to purely commercial partnerships, and if its operations were limited, at all events in the first instance, to the Presidency towns."

Having been requested to report on the details necessary for registration, this Chamber (21st October 1867) recommended that the following particulars should be recorded in any registration of partnerships :—

- 1.—The style of the firm.
- 2.—The name and residences of partners.
- 3.—The places of business and the names and residences of the agents when they are the immediate servants of the firm, and not independent traders.
- 4.—Every change in the constitution of the firm involving the retirements or introduction of a partner.

The Chamber pointed out that the chief object of registration is to enable those who have dealings with a Native firm to ascertain who are liable for its debts; and they added that the position of persons who become partners by construction for the purpose of sharing the liabilities of insolvent firms should be protected against interference by any enactment for compulsory registration.

The Chamber do not appear to have been informed why the Government did not proceed with the legislative measure which seems to have been contemplated, but they assume that the proposed registration of trust deeds and gifts may, to use the words of Mr. Stokes' letter of 31st July 1867, have been found to involve "so many grave political difficulties" that it was deemed expedient to let it stand over for further consideration. With regard to this part of the proposed law, this Chamber would, as pointed out in 1867, be satisfied with such a measure as would tend to check fraudulent dealing with property to the injury of others; nor do they understand that there should be unsurpassable difficulties in the way of passing a law containing provisions of so reasonable a character.

They trust therefore that the question of compulsory registration may be carefully reconsidered by the Government of India in the Legislative Department. The Chamber do not doubt that the Madras Government will agree with them that the enclosed correspondence between the Bombay Chamber of Commerce and the Bombay Government clearly demonstrates the necessity of legislation in the direction urged by the Indian Chambers of Commerce twelve years ago.

Order thereon by the Madras Government.

His Grace the Governor in Council is of opinion that the Chamber of Commerce should address the Government of India direct on the subject of their letter recorded above.

No. 2099, dated Simla, the 3rd November 1879.

From—F. C. DAVIES, Esq., Under Secretary to the Govt. of India, HOME, REVENUE AND AGRICULTURAL DEPT.,

To—The Secretary to the Govt. of Bombay.

I am directed to acknowledge the receipt of your letter No. 5376, dated the 6th September last, forwarding copy of a letter, with its accompaniments, from the Chairman and Secretary of the Bombay Chamber of Commerce on the subject of a proposed legislative enactment to provide for the compulsory registration of partnerships.

2. In reply, I am to say that the Governor General in Council has little doubt but that the difficulty described by the Bombay Chamber of Commerce is a real one; and the question for consideration is whether it is practicable to remove or remedy it by legislation in the direction indicated. The objections which have appeared to the Government of India to exist to such legislation have been fully set forth in the previous correspondence ending with the letter from this Office, No. 2583, dated 13th October 1874. Since then a large body of representative Native merchants have signified their concurrence in the recommendation of the Chamber: and the Bombay Government have given their support to the measure proposed in the enclosures of your present letter. If, as appears to be the case, the Bombay Chamber of Commerce and their legal advisers consider it practicable to frame an enactment which, while avoiding the objections which have been taken by the Government of India, would nevertheless tend to effect the desired object, the most convenient course would perhaps be to invite the Chamber of Commerce to prepare and submit through the Government of Bombay, for the consideration of the Governor General in Council, a draft of such a measure as they would wish to see enacted. If the Bombay Government see no objection to this course, His Excellency in Council authorizes its adoption.

3. In framing this draft it will be necessary clearly to distinguish between transitory and standing partnerships, and to avoid the difficulties arising from the existence, in the case of Native mercantile and banking firms, of members belonging to undivided families, His Excellency in Council is further of opinion that the scope of the Bill should, in the first instance, be limited to the Presidency towns, and that in this view it should provide that no firm having its sole or principal place of business in a Presidency town, and not being registered, should be allowed to sue third parties, and no member of such a firm should be allowed to sue his co-partners on the Original Side of the High Court, or in the local Court of Small Causes.

4. I am to add that the Governor General in Council cannot give any pledge that a draft Bill, if submitted, will be accepted by the Government of India; but His Excellency in Council will be prepared to give his careful consideration thereto, and will endeavour, so far as may be practicable, to give effect to the wishes of the mercantile community of Bombay, as expressed through the Bombay Chamber of Commerce, in the matter, so far as they may be supported by the Bombay Government.

No. 82, dated Fort William, the 14th January 1880.

From—C. BERNARD, Esq., Offg. Secy. to the Government of India, HOME, REVENUE AND AGRICULTURAL DEPT.,

To—The Secretary to the Govt. of Madras.

I am directed to forward copy of a letter from the Honorable P. Macfadyen, expressing the views of the Madras Chamber of Commerce, on the subject of the proposal for making the registration of partnerships in India compulsory.

2. I am to request that, with the sanction of His Grace the Governor in Council, the Chamber may be informed that the Government of India are anxious to give their best consideration to any practical proposal that can be made for effecting the proposed registration and at the same time avoiding interference with the Indian custom whereby members of Native firms often belong to undivided families. A copy* of the enclosed

* No. 2099, dated 3rd November 1879.

letter, which conveys to the Government of Bombay the views of His Excellency the Governor General in Council on the matter, might, I am to suggest, be communicated to the Chamber of Commerce.

GOVERN
DEPARTMENT OF

Prices Current of Food-grains thro

DISTRICTS.	QUANTITIES PER																							
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), <i>Holcus</i> <i>Sorghum</i> .			Bulrush Millet bun, <i>Bajr</i> <i>Pennisetaria</i> .								
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.
Ganjam	8 13	8 12	8 12	...	...	...	13 0	13 6	7 10	15 8	16 0	10 0	...	...	...	...	...	...	...	...	...	...	...	...
Vizagapatam	9 0	10 0	7 0	...	...	...	11 3	11 3	6 3	12 6	12 6	6 13	...	...	...	...	...	...	...	...	...	...	...	...
Godavary	7 3	7 3	8 12	...	...	...	13 14	11 14	5 14	17 0	16 0	9 0	...	...	...	...	...	...	...	...	...	...	...	...
Kistna	2 11	3 14	4 14	...	...	...	16 2	14 10	8 10	15 13	15 3	9 3	...	...	...	...	...	...	...	...	...	...	...	...
Nellore	7 3	7 3	6 5	...	...	...	12 14	12 14	8 6	15 0	13 8	9 0	25 0	25 0	0 14	6 20	11 20	1	...	...	...	...	...	...
Cuddapah	7 5	7 5	7 11	...	...	...	11 2	11 2	8 11	12 6	12 6	10 6	19 11	20 8	11 3	18 2	18 1	...	...	...	...	...	...	...
Bellary	7 0	7 0	8 10	...	...	...	11 3	11 3	8 0	13 8	13 8	8 10	22 11	20 10	16 8	15 0	15 1	...	...	...	...	...	...	...
Kurnool	5 2	5 2	5 11	...	...	...	11 6	11 6	6 6	12 2	12 2	7 2	21 3	21 3	12 0	21 3	21 1	...	...	...	...	...	...	...
Madras	7 10	7 8	7 2	...	...	...	11 0	10 14	8 0	11 14	11 8	8 5	14 6	14 6	10 2	21 6	21 6	...	...	...	...	...	...	...
Chingleput . . . . .	...	...	...	...	...	...	12 3	12 0	7 14	13 10	13 10	9 13	...	...	...	...	...	...	...	...	...	...	...	...
North Arcot	6 13	5 13	7 10	...	...	...	15 0	12 6	9 11	16 14	15 0	10 5	18 3	18 3	...	...	...	...	...	...	...	...	...	...
South Arcot . . . . .	...	6 10	...	...	...	...	12 3	12 3	9 2	12 11	13 2	9 10	18 8	18 8	...	...	...	...	...	...	...	...	...	...
Tanjore	6 10	6 10	4 6	...	...	...	12 6	12 0	8 2	15 6	15 0	9 10	27 0	25 6	13 2	22 6	22 3	...	...	...	...	...	...	...
Trichinopoly	5 14	5 14	6 5	...	...	...	11 3	10 13	7 10	11 10	11 3	8 11	15 6	15 6	12 10	21 10	20 20	...	...	...	...	...	...	...
Madura	7 0	7 6	7 0	...	...	...	11 13	11 5	8 6	13 14	13 14	9 11	21 5	22 11	11 1	19 21	19 23	...	...	...	...	...	...	...
Tinnevely	5 11	5 11	5 11	...	...	...	11 14	9 14	7 2	13 10	12 13	8 6	...	...	...	...	...	...	...	...	...	...	...	...
Coimbatore	7 0	7 0	5 5	...	...	...	10 13	10 13	7 10	10 14	10 11	8 10	19 2	19 2	16 8	25 6	25 6	...	...	...	...	...	...	...
Nilgiris	5 11	5 11	5 11	...	...	...	8 13	8 13	6 6	9 10	9 10	7 3	18 8	15 6	13 11	11 13	11 13	...	...	...	...	...	...	...
Salem	5 10	5 3	4 6	...	...	...	9 14	9 14	8 3	12 2	11 10	10 0	19 0	17 8	11 5	17 6	18 1	...	...	...	...	...	...	...
South Canara	6 14	6 14	6 0	...	...	...	9 3	8 11	7 13	11 5	11 0	9 13	...	...	...	...	...	...	...	...	...	...	...	...
Malabar	6 8	6 8	7 14	...	...	...	12 2	12 2	8 8	13 3	13 3	9 8	...	...	...	...	...	...	...	...	...	...	...	...
Bombay . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Almedabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kaira . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Surat . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Branch . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tanna (Salsette) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Colaba (Alibag) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Khandesh (Dhulia) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasik . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ahmednagar . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Poona . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sholapur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kaladgi (Bagalkot) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Satara . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Belgaum . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dharwar (Hubli) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Katnagiri . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kanara (Karwar) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Panch Mahals (Godhra) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Aden . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Asirgarh . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Baroda . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Disa . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nimach . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasirabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajkot . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Upper Sind Frontier . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Karachi	9 2	8 10	8 11	14 0	14 0	15 0	7 0	7 0	6 8	10 0	8 8	9 0	13 0	13 0	0 10	8 13	0 13	...	...	...	...	...	...	...
Hydrabad (Nakur)	10 8	11 0	9 0	16 0	14 8	12 0	9 0	9 0	7 0	11 4	11 0	8 0	19 0	19 0	0 11	0 18	0 19	...	...	...	...	...	...	...
Shikarpur	11 0	10 4	8 3	17 4	16 0	12 12	7 3	6 10	6 0	11 7	11 6	8 0	12 8	12 3	...	...	...	...	...	...	...	...	...	...
Tbar and Parkar (Umarkot)	9 0	7 13	7 13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Western Districts . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Burdwan	10 8	10 4	12 0	18 0	18 0	18 0	15 4	15 8	13 10	16 0	16 8	14 8	...	...	...	...	...	...	...	...	...	...	...	...
Bancoorah	9 0	10 5	10 12	14 0	14 0	14 0	13 5	12 8	12 0	20 0	20 0	14 8	...	...	...	...	...	...	...	...	...	...	...	...
Beerbhoom	11 6	10 8	11 0	...	...	...	14 0	13 0	10 0	18 0	17 0	18 8	...	...	...	...	...	...	...	...	...	...	...	...
Midnapore	11 0	10 0	11 0	...	...	...	12 0	12 0	10 0	15 0	15 0	15 0	...	...	...	...	...	...	...	...	...	...	...	...
Hooghly . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Howrah	12 0	11 0	10 0	...	...	...	10 0	9 12	9 0	16 8	16 0	11 6	...	...	...	...	...	...	...	...	...	...	...	...
Central Districts . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Calcutta	11 4	12 8	10 8	16 0	20 0	14 0	6 10	6 4	6 3	12 0	11 0	10 0	16 0	11 3	...	...	...	...	...	...	...	...	...	...
24 Pargunnahs . . . . .	...	...	...	...	...	...	6 10	6 10	6 8	12 0	10 10	9 0	...	...	...	...	...	...	...	...	...	...	...	...
Buddea	12 12	12 4	12 5	...	...	...	12 12	13 0	10 0	13 5	15 0	10 10	...	...	...	...	...	...	...	...	...	...	...	...
Jessore	9 0	10 0	11 0	...	...	...	11 0	10 12	8 0	15 0	15 8	12 8	...	...	...	...	...	...	...	...	...	...	...	...
Moorshedabad	11 4	10 6	12 0	...	...	...	14 0	12 0	10 0	16 8	15 0	12 0	...	...	...	...	...	...	...	...	...	...	...	...

1 In the interior the prices range as follow:—Wheat 11 to 12 seers, barley (in Cutwa) 16 seers, best rice 18 to 15 seers, common rice 10 to 19 seers, and gram 12 to 13-5 seers.
2 In the interior the prices range as follow:—Wheat 9 to 12 seers, barley 17 to 24 seers, best rice 12 to 23 seers, common rice 15 to 22 seers, maize or Indian-corn 25 to 32 "
3 In the interior the prices range as follow:—Wheat 9 to 14 seers, best rice 18 to 13 seers, common rice 14-8 to 20-3 seers, and gram 10 to 13 seers.

SUPPLEMENT TO THE GAZETTE OF INDIA, JANUARY 24, 1880.

Prices Current of Food-grains through

DISTRICTS.	QUANTITIES PER																							
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar, Holcus Sorghum).			Bulrush (Cumbho, Pennisetaria).								
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1878.	Present fortnight.	Past fortnight.	
Central Districts—contd.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Dumraon	9 12 1/2	9 3	10 13	14 0	14 0	16 0	13 0	13 3	12 0	18 0	16 3	14 6	...	...	...	...	...	...	...	...	...	...	...
Rajahmundry	12 0	12 0	12 0	...	15 12	10 8	16 0	10 0	9 0	17 0	13 0	13 2	...	...	...	...	...	...	...	...	...	...	...
Rangpore	11 4 1/2	11 4	8 0	...	...	...	9 4	11 4	8 0	17 5	13 14 1/2	14 12	...	...	...	...	...	...	...	...	...	...	...
Bogra	10 2	10 14	12 0	...	...	...	9 0	9 12	9 3	20 4	19 8	15 0	...	...	...	...	...	...	...	...	...	...	...
Pubna	10 0 1/2	10 0	15 0	...	...	...	8 0	6 0	6 4	17 8	16 8	13 0	...	...	...	...	...	...	...	...	...	...	...
Darjeeling	8 0 1/2	8 0	8 0	8 0	8 0	8 0	4 0	4 0	4 0	11 0	11 0	10 0	...	...	...	...	...	...	...	...	...	...	...
Jalpaiguri	8 0 1/2	8 0	8 8	...	...	...	8 0	8 0	8 0	20 0	20 0	12 3	...	...	...	...	...	...	...	...	...	...	...
Eastern Districts.																								
Dacca	10 8 1/2	10 12	9 11	16 0	13 5	...	16 0	12 12	8 12	17 10	16 13	11 7	...	...	...	...	...	...	...	...	...	...	...
Furzedpore*	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Backergunge	...	...	...	...	...	...	13 0	12 0	11 0	18 0	16 0	13 8	...	...	...	...	...	...	...	...	...	...	...
Mymensingh	10 0 1/2	10 0	10 0	...	...	...	16 0	16 0	10 8	18 0	18 0	11 0	...	...	...	...	...	...	...	...	...	...	...
Tipperah	10 0	10 0	10 8	...	...	...	14 8	14 8	8 8	24 8	24 8	13 0	...	...	...	...	...	...	...	...	...	...	...
Chittagong	9 0 1/2	9 0	9 0	...	...	...	12 0	13 0	11 0	18 0	19 8	14 0	...	...	...	...	...	...	...	...	...	...	...
Nonkholly	...	...	...	...	...	...	17 0	17 0	8 0	21 0	20 0	13 0	...	...	...	...	...	...	...	...	...	...	...
Chittagong Hill Tracts*	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hill Tipperah	8 5	8 5	7 5	...	...	...	11 0	10 0	9 0	22 0	22 0	12 5	...	...	...	...	...	...	...	...	...	...	...
Behar.																								
Patna	17 0	17 0	13 0	22 0	24 0	20 0	11 0	10 0	10 0	17 0	19 0	17 8	...	...	...	...	...	...	...	...	...	...	...
Gya	14 8 1/2	14 8	12 8	20 0	18 8	13 8	8 8	9 0	9 0	16 8	18 0	16 0	...	...	...	...	...	...	...	...	...	...	...
Shahabad	13 8 1/2	12 8 1/2	14 0	...	14 0	17 0	15 0	15 0	13 0	17 0	17 0	15 0	...	...	...	19 0	18 8	26 8	...	...	...	...	...
Darbhanga	13 0 1/2	12 0	12 8	25 0	22 0	16 8	10 0	11 0	12 0	16 0	16 0	14 12	...	...	...	...	...	...	...	...	...	...	...
Muzaffarpore	12 0 1/2	13 0	12 0	22 0	22 0	20 0	10 0	10 0	8 0	16 0	17 0	11 0	...	...	...	...	...	...	...	...	...	...	...
Sarun	13 0	12 8	12 4	21 4	22 0	20 6	7 4	7 0	7 8	16 0	17 0	14 0	18 0	18 8	29 4	...	...	...	...	...	...	...	...
Chunpurn	13 0 1/2	13 0	11 0	28 0	22 0	17 0	12 0	12 0	7 0	19 0	19 0	17 8	...	...	...	...	...	...	...	...	...	...	...
Monghyr	13 10 1/2	13 10	13 10	13 10	21 0	14 11	10 8	11 8	9 7	18 1	21 0	13 10	...	...	...	...	...	...	...	...	...	...	...
Bhagalpur	12 3 1/2	11 14	12 0	21 7	20 3	12 10	16 14	12 10	12 10	18 14	16 6	15 2	...	...	...	...	...	...	...	...	...	...	...
Purneah	14 0 1/2	13 0	13 0	...	...	...	18 0	17 0	16 0	18 0	18 0	17 0	...	...	...	...	...	...	...	...	...	...	...
Maldah	13 0	11 8	12 0	...	...	...	15 0	14 0	12 0	18 0	16 0	14 0	...	...	...	...	...	...	...	...	...	...	...
Southal Pergunnahs	10 0 1/2	9 0	10 0	...	...	...	20 0	19 0	16 0	21 0	20 0	17 0	...	...	...	...	...	...	...	...	...	...	...
Orissa.																								
Cuttack	9 3	9 3	12 7	...	...	...	11 13	11 13	10 8	17 1 1/2	17 1	14 7	...	...	...	...	...	...	...	...	...	...	...
Pooree	7 14	10 8	10 8	...	...	...	9 3	9 3	8 9	17 1	15 12	15 0	...	...	...	...	...	...	...	...	...	...	...
Balasore	8 0	8 0	8 0	...	...	...	13 0	13 0	8 0	17 0	17 0	12 0	...	...	...	...	...	...	...	...	...	...	...
Chota Nagpore—South.																								
Western Frontier Agency.																								
Hazaribagh	12 0 1/2	12 0	11 0	17 0	16 0	...	9 0	9 0	9 0	24 0	24 0	17 8	...	...	...	...	...	...	...	...	...	...	...
Lohardugga	11 0 1/2	10 0	9 0	...	...	...	24 0	24 0	16 0	28 0	29 0	18 0	...	...	...	...	...	...	...	...	...	...	...
Singbhoom	8 0	8 0	8 0	16 0	20 0	20 0	12 0	12 0	10 0	28 0	28 0	16 0	...	...	...	...	...	...	...	...	...	...	...
Manbhoom	...	9 8	9 12	24 0	24 0	...	12 0	11 0	12 0	24 0	24 0	19 0	32 0	32 0	...	...	...	...	...	...	...	...	...
Sylhet	9 0	9 0	7 8	...	...	...	10 8	10 8	10 8	14 0	14 0	12 4	...	...	...	...	...	...	...	...	...	...	...
Cachar	8 14	8 14	8 14	16 0	11 6	16 0	13 5	13 5	12 4	16 0	17 12	13 5	...	...	...	...	...	...	...	...	...	...	...
Goalpara	12 8	12 8	9 0	...	...	...	9 0	7 0	9 0	16 0	13 4	13 0	...	...	...	...	...	...	...	...	...	...	...
Garo Hills	...	...	...	...	...	...	6 0	6 0	6 0	12 0	12 0	8 0	...	...	...	...	...	...	...	...	...	...	...
Kamrup	12 0	12 0	10 0	...	...	...	10 0	10 0	10 0	13 0	12 0	12 0	...	...	...	...	...	...	...	...	...	...	...
Darrang	8 0	8 0	5 8	...	...	...	8 0	8 0	6 8	12 0	10 10	10 10	...	...	...	...	...	...	...	...	...	...	...
Nowgong	...	...	...	...	...	...	...	8 0	8 0	...	11 8	11 8	...	...	...	...	...	...	...	...	...	...	...
Sibsagar	...	...	...	...	...	...	6 0	6 0	6 0	14 0	14 0	14 0	...	...	...	...	...	...	...	...	...	...	...
Lakhimpur	...	7 8	8 0	...	...	...	...	5 12	5 0	...	10 0	9 0	...	...	...	...	...	...	...	...	...	...	...
Khasi & Jaintia Hills	6 0	...	...	...	...	...	6 8	7 0	6 8	7 0	8 0	7 0	...	...	...	...	...	...	...	...	...	...	...
Naga Hills	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dehra Dun	13 4	13 0	12 8	18 0	16 0	19 0	10 0	6 0	5 8	11 0	10 6	8 8	20 0	20 0	0 16	0 17	0 16	...	...	...	...	...	...
Saharanpur	14 14	14 14	13 12	19 2	19 2	20 3	7 8	7 8	6 6	10 10	10 10	9 9	23 6	23 6	6 18	2 20	3 20	...	...	...	...	...	...
Muzaffarnagar	15 10	15 6	14 5	23 2	23 2	21 0	6 9	6 9	6 9	13 12	13 4	11 0	21 8	22 0	0 17	0 18	12 19	...	...	...	...	...	...
Meerut	15 8	15 0	13 0	22 0	21 0	20 0	5 0	5 0	5 0	12 0	12 0	10 0	21 0	21 0	0 17	8 19	0 18	...	...	...	...	...	...
Bulandshahr	16 0	16 0	13 4	22 0	22 8	19 0	5 0	5 0	5 0	14 8	14 8	10 0	21 8	21 8	8 17	8 19	0 18	...	...	...	...	...	...
Aligarh	...	14 8	14 8	22 8	21 0	19 8	6 0	7 0	6 0	15 0	12 0	11 0	18 0	21 8	8 19	0 18	...	...	...	...	...	...	...
Kanau	10 0	10 0	10 4	12 0	12 0	12 0	6 0	7 0	9 0	9 8	9 8	11 0	...	...	...	...	...	...	...	...	...	...	...

* Return not received.
 † In the interior the price of common rice varies from 15-12 to 21 seers per rupee.
 ‡ In Koygunge the prices are—Wheat 10 seers, best rice 14-8 seers, common rice 17 seers, and gram 10 seers.
 § In Natore the prices are—Wheat 10-8 seers, best rice 8-10 seers, common rice 15-12 seers, and gram 10-12 seers.
 ¶ In the interior the prices range as follow:—Wheat 11-4 to 15 seers, best rice 8 to 18 seers, common rice 18 to 20 seers, lesser millets (in Kurigram) 20 seers, and gram 8 to 9 seers.
 †† In Serajunge the prices are—Wheat 12 seers, best rice 8 seers, common rice 18 seers, and gram 10 seers.
 ††† In Kurseong the prices are—Best rice 5 seers, common rice 13 seers, lesser millets 12 seers, maize or Indian-corn 13 seers, and gram 6 seers.
 †††† In the interior the prices range as follow:—Best rice 10 to 13 seers, common rice 16 to 20-5 seers, and gram 7-7 to 8 seers.
 ††††† In the interior the prices range as follow:—Best rice 12 to 18 seers, common rice 18 to 20 seers, and gram in Naraingunge 11 seers.
 †††††† In the interior the prices range as follow:—Wheat 10 to 15-0 seers, common rice 14 to 16-12 seers, and gram 7 seers.
 ††††††† In the interior the prices range as follow:—Best rice 14 to 12 seers, best rice 8 to 25 seers, common rice 16 to 30 seers, and gram 8-14 to 10 seers.
 †††††††† In the interior the prices range as follow:—Best rice 14 to 24 seers, and common rice 16 to 20 seers.
 ††††††††† In Nowada the prices are—Wheat 15 seers, barley 25 seers, common rice 21 seers, lesser millets 35 seers, maize or Indian-corn 27 seers, and gram 15 seers.
 †††††††††† In the interior the prices range as follow:—Wheat 13-8 to 16-8 seers, barley 21 to 25 seers, best rice 10 to 13 seers, common rice 17 to 21 seers, bairush millet (in Buxar) 2

SUPPLEMENT TO THE GAZETTE OF INDIA, JANUARY 24, 1880.

for the 2nd half of December 1879 —continued.

MEASURES OF 80 TOLAHS.

AVERAGE WAGES PER MONTH.

Millet, Ragi, &c. aru, Veragu, Sawee, na, Coraloo, Murh- Nagies), Panicum acuum, &c.															Gram.			Firewood.			Salt.			Able-bodied Agricultural Labourer.	Syce or Horse- keeper.	Common Mason, Carpenter, or Blacksmith.	REM
Past fortnight.	Corresponding fort- night of 1878.		Present fortnight.		Past fortnight.	Corresponding fort- night of 1878.		Present fortnight.		Past fortnight.	Corresponding fort- night of 1878.		Present fortnight.		Past fortnight.	Corresponding fort- night of 1878.											
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.						
...	...	9 10	10 4	6 8	160 0	180 0	180 0	8 4	8 4	8 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	12 0	12 0	9 0	240 0	240 0	200 0	9 0	9 0	9 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	9 0	9 0	8 0	120 0	107 0	107 0	7 14	7 14	6 0	...	...	7 8 0	6 0 0	12-0 to 15-0	...	...	...	...	...	...	...
...	...	10 2	9 15	6 0	67 8	67 8	67 8	8 10	8 7	8 4	...	...	6 0 0	6 0 0	12-0 to 15-0	...	...	...	...	...	...	...
...	...	10 0	10 8	9 0	200 0	200 0	200 0	9 0	9 0	9 0	...	...	...	...	...	...	...	...	...	...	...	...
8 0	12 0	6 0	6 0	6 0	160 0	160 0	160 0	4 8	4 8	5 0	...	...	7 0 0	8 0 0	15 0 to 16-0	...	...	...	...	...	...	...
...	...	8 0	8 0	8 0	64 0	64 0	64 0	8 0	8 0	6 3	...	...	7 8 0	6 0 0	15 0 to 20-0	...	...	...	...	...	...	...
...	...	11 13	10 12	8 8	106 0	106 0	100 0	9 0	9 0	9 0	...	...	5-0 to 7 0	5-0 to 6-0	8-0 to 20-0	...	...	...	...	...	...	...
...	...	10 0	10 0	9 0	100 0	100 0	100 0	8 8	8 8	9 0	...	...	7 8 0	6 0 0	8-0 to 15-0	...	...	...	...	...	...	...
...	...	10 0	10 8	8 0	...	...	...	8 12	8 12	8 8	...	...	7-8 to 8-0	6-8 to 7-0	12 0 to 25-0	...	...	...	...	...	...	...
...	...	9 8	9 8	7 8	...	...	...	8 12	8 12	8 12	...	...	6-0 to 9-6	5-0 to 7-0	7-0 to 16-0	...	...	...	...	...	...	...
...	...	9 0	9 0	6 0	120 0	120 0	120 0	9 0	10 0	8 0	...	...	7-8 to 9-8	6-0 to 7 0	8-0 to 10-0	...	...	...	...	...	...	...
...	...	5 0	6 0	6 0	...	...	...	8 0	8 0	8 0	...	...	6-0 to 10-0	7 0 0	7-0 to 20-0	...	...	...	...	...	...	...
...	...	8 0	8 0	8 0	...	...	...	8 0	8 0	8 0	...	...	6 8 0	5 12 0	11 8 0	...	...	...	...	...	...	...
...	...	17 0	17 0	11 8	140 0	140 0	140 0	8 12	8 12	8 0	...	...	3-0 to 4-0	4-0 to 5-0	5-10 to 7-8	...	...	...	...	...	...	...
29 0	26 0	16 0	16 0	10 0	140 0	140 0	180 0	8 8	8 8	8 0	...	...	2-12 to 3-0	4-0 to 5-0	5 8 to 6-8	...	...	...	...	...	...	...
17 0	...	16 8	15 0	8 0	120 0	120 0	160 0	9 0	9 0	9 0	...	...	3-0 to 3-8	4-0 to 5-0	7-0 to 12-0	...	...	...	...	...	...	...
22 0	24 0	17 0	17 0	9 4	160 0	160 0	120 0	8 0	8 0	7 12	...	...	2-13 to 3-12	3-0 to 5-0	3-12 to 7-8	...	...	...	...	...	...	...
...	...	17 0	17 0	10 0	120 0	120 0	140 0	8 8	8 8	8 0	...	...	2-8 to 4-0	3-0 to 5-0	4-0 to 6-0	...	...	...	...	...	...	...
21 4	26 0	15 0	15 0	10 0	160 0	180 0	200 0	8 8	8 8	8 8	...	...	3-0 to 4-0	4-0 to 5-0	7-0 to 12-0	...	...	...	...	...	...	...
...	...	17 0	17 0	8 0	...	...	...	8 0	8 0	8 0	...	...	2 13 0	4 0 0	6 0 0	...	...	...	...	...	...	...
...	...	14 11	16 8	12 9	105 0	111 8	147 0	8 6	8 6	8 6	...	...	3 0 0	3 0 0	5-10 to 7-8	...	...	...	...	...	...	...
...	...	15 2	15 2	11 6	126 4	151 8	138 12	8 13	8 13	8 13	...	...	3-0 to 4-0	4-0 to 5-0	6-0 to 10-0	...	...	...	...	...	...	...
...	...	11 8	13 0	10 0	120 0	120 0	160 0	8 0	9 0	8 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	13 0	11 0	8 0	120 0	140 0	100 0	9 0	9 0	8 8	...	...	...	...	...	...	...	...	...	...	...	...
...	...	11 0	10 8	9 0	200 0	200 0	200 0	8 0	8 0	8 0	...	...	...	...	...	...	...	...	...	...	...	...
1 13	21 0	14 7	15 1	13 2	160 0	160 0	200 0	11 0	11 0	11 0	...	...	5 10 0	4 0 0	7-8 to 10-0	...	...	...	...	...	...	...
...	...	13 2	13 2	11 13	100 0	100 0	100 0	11 13	11 13	10 8	...	...	7 0 0	5 0 0	8-0 to 10-0	...	...	...	...	...	...	...
...	...	8 0	8 0	6 8	140 0	140 0	80 0	9 0	9 0	7 0	...	...	6 9 0	5 0 0	7-8 to 9-6	...	...	...	...	...	...	...
...	27 0	15 8	14 8	10 0	200 0	200 0	240 0	8 0	7 8	7 8	...	...	4 0 0	5 0 0	8 0 0	...	...	...	...	...	...	...
0 0	32 0	12 0	10 0	9 0	160 0	160 0	180 0	8 0	8 0	7 0	...	...	3 0 0	3-0 to 5-0	6 0 to 10-0	...	...	...	...	...	...	...
...	...	12 0	12 0	10 0	180 0	180 0	240 0	7 8	6 8	6 0	...	...	3 0 0	4-8 to 5-0	5-0 to 10-0	...	...	...	...	...	...	...
4 0	64 0	11 0	11 0	9 4	120 0	120 0	130 0	8 0	8 0	8 0	...	...	3 12 0	4 0 0	10 0 0	...	...	...	...	...	...	...
...	...	10 0	10 0	9 0	108 0	108 0	108 0	8 0	8 0	8 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	9 2	9 2	6 15	80 0	80 0	80 0	8 6	8 6	8 6	...	...	...	...	...	...	...	...	...	...	...	...
...	...	8 0	7 0	9 0	120 0	120 0	140 0	8 0	8 0	8 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	6 12	6 12	6 12	160 0	160 0	160 0	5 5	5 5	5 5	...	...	...	...	...	...	...	...	...	...	...	...
...	...	8 0	8 0	6 12	200 0	200 0	200 0	8 0	8 0	8 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	8 0	5 8	5 12	160 0	160 0	160 0	6 8	6 8	6 8	...	...	...	...	...	...	...	...	...	...	...	...
...	...	8 0	8 0	8 0	120 0	120 0	120 0	7 0	7 0	7 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	8 0	8 0	7 0	120 0	120 0	120 0	6 8	6 8	6 8	...	...	...	...	...	...	...	...	...	...	...	...
...	...	7 8	7 8	7 0	...	160 0	160 0	6 8	6 8	6 8	...	...	...	...	...	...	...	...	...	...	...	...
...	6 10	...	...	80 0	120 0	5 5	5 5	5 5	...	...	...	...	...	...	...	...	...	...	...	...
...	...	15 0	13 0	12 8	160 0	160 0	160 0	8 8	8 8	9 0	...	...	...	...	...	...	...	...	...	...	...	...
...	...	16 0	16 0	13 14	109 0	109 0	129 0	9 9	9 9	9 9	...	...	...	...	...	...	...	...	...	...	...	...
...	...	16 0	16 8	14 5	132 0	132 0	154 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	17 8	17 0	14 8	90 0	90 0	120 0	9 8	9 8	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	16 12	17 8	16 0	90 0	90 0	160 0	12 0	12 0	10 8	...	...	...	...	...	...	...	...	...	...	...	...
...	...	15 8	16 0	15 8	105 0	75 0	140 0	10 4	10 8	10 4	...	...	...	...	...	...	...	...	...	...	...	...
...	...	7 8	8 0	10 8	200 0	160 0	180 0	6 0	6 0	7 0	...	...	...	...	...	...	...	...	...	...	...	...

In the interior the prices range as follow:—Wheat 13 to 21 seers, barley 16 to 34 seers, best rice 9 to 22-8 seers, common rice 12 8 to 25 seers, lesser millets 24 to 32 seers, ma
Indian-corn 20 to 32-5 seers, and gram 13 to 23 seers.
In the interior the prices range as follow:—Wheat 13 to 20 seers, barley 28 to 35 seers, best rice 11 to 17 seers, common rice 14 to 25 seers, lesser millets 27 to 28 seers, ma
Indian-corn 24 to 30 seers, and gram 15 to 20 seers.
In the interior the prices range as follow:—Wheat 13-8 to 15 seers, barley 21 to 22 seers, best rice 8-8 to 12 seers, common rice 18-12 to 19 seers, jowar 21 to 23 seers, murwa 22
seers, maize or Indian-corn 21 to 26 seers, and gram 15 to 15-8 seers.
In the interior the prices range as follow:—Wheat 12-8 to 17 seers, best rice 15 to 23 seers, common rice 23 to 28 seers, lesser millets 25 to 30 seers, maize or Indian
(in Banka) 22 seers, and gram 11 to 12 seers.
In the interior the prices range as follow:—Wheat 9 to 14 seers, best rice 10 to 22 seers, common rice 20 to 23 seers, and gram 8 to 14 seers.
In the interior the prices range as follow:—Wheat 12 to 13 seers, best rice 9 to 22-8 seers, common rice 11 to 25 seers, maize or Indian-corn 14 to 25 seers, and gram 10 to 13
In the interior the prices range as follow:—Wheat 13 to 14 seers, barley 20 to 25 seers, best rice (in Chuttra) 14 seers, common rice 22-8 to 24 seers, lesser millets 35 to 40 se
maize or Indian-corn 30 seers, and gram 12 to 16 seers.
In the interior the prices range as follow:—Wheat 13 to 18 seers, barley (in Daltongungo) 22 seers, best rice 11-8 to 32 seers, common rice 23 to 37 seers, bulrush mille
Daltongungo) 26-30 seers, murwa 44 to 45 seers, maize or Indian-corn 40-50 seers, and gram 14 to 16 seers.
In the interior the prices range as follow:—Wheat 8 to 10 seers, barley (in Govindpore) 20 seers, best rice 20 to 23 seers, common rice 22 to 24 seers, bulrush millet 18 t

QUANTITIES PER R

DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Hoicus Sorghum.			Balrnah M (Cumbou, B) Paniclaria 8	
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1878.	Present fortnight.	Past fortnight.
Barhwal	15 0	15 0	16 0	16 0	17 8	18 8	10 8	10 8	9 0	13 4	13 12	14 0	22	23	15	321	21 6
Bijnor	13 8	14 1	11 6	24 12	25 11	16 14	9 0	9 0	6 12	13 8	13 8	10 11	22	23	15	321	21 6
Moradabad	16 4	16 4	15 0	21 11	21 14	20 10	7 13	7 13	7 8	16 4	16 4	11 4	23	23	12 18	12 29	10 4
Budann	14 11	15 0	15 0	20 14	19 12	22 12	6 0	6 0	4 12	11 11	11 6	9 0	20	14	22 6 19	3 14	12 18 9
Bareilly	13 12	13 12	13 7	20 0	18 12	20 0	5 10	5 10	5 0	15 0	15 0	10 0	18	12	18 2 18	12 17	1 17 3
Shahjahanpur	15 8	15 4	15 6	21 0	21 0	22 4	6 4	6 4	6 2	15 12	16 0	12 4	31	4	20	8 19	4 18 8
Tarai Pergumna	18 12	18 12	15 0	31 4	31 4	20 0	10 0	11 4	8 12	17 8	17 8	11 14	31	4	20	8 19	4 18 8
Muttra	14 0	13 8	14 0	25 8	24 8	20 8	6 8	6 8	6 0	12 0	13 0	11 0	25	8 24	0 19	0 22	0 22 0
Agra	12 4	12 8	13 12	24 8	24 8	20 8	4 0	4 0	4 0	11 8	11 8	10 8	24	0 24	0 20	0 22	8 22 8
Farrukhabad	12 12	12 7	14 6	17 3	17 3	21 9	5 12	6 4	5 2	13 7	13 13	10 8	17	8 15	13 19	13 16	1 15 2
Mainpuri	13 4	13 0	13 12	19 0	19 4	23 8	5 0	5 0	4 0	12 0	12 8	12 8	19	0 18	4 21	8 18	1 15 0
Etawah	12 0	12 0	11 0	19 8	19 0	22 8	5 8	5 8	6 0	14 0	14 8	12 8	19	8 20	0 20	8 19	0 18 8
Etah	15 4	15 0	17 4	19 0	19 8	25 0	7 4	7 0	9 0	11 0	15 0	11 0	21	0 23	0 24	0 19	0 18 12
Jalaun	14 0	14 0	18 0	17 0	17 0	20 0	6 0	6 0	6 0	12 0	10 0	9 0	25	0 26	0 24	0 20	0 20 0
Jhansi	11 0	11 0	16 10	29 10	30 0	26 6	8 8	8 8	8 0	13 8	13 8	11 0	32	0 32	0 21	0 26	0 26 0
Lalitpur	13 0	11 12	14 8	30 0	28 0	16 0	11 8	11 0	8 0	14 8	14 0	10 0	31	0 27	0 26	0	0
Cawnpore	11 8	14 0	14 0	22 0	21 8	23 0	8 0	8 0	6 8	14 0	11 0	12 0	23	0 22	8 23	8 22	0 21 0
Fatehpur	12 8	12 12	12 0	21 4	21 8	19 12	9 0	8 8	7 12	17 0	17 8	13 8	25	8 25	8 21	4 22	8 21 8
Banda	12 8	12 0	14 0	19 0	17 8	16 8	7 0	6 0	10 0	14 0	14 0	13 0	33	0 32	0 23	0 29	0 26 0
Allahabad	13 0	12 15	11 6	22 0	22 4	17 12	8 0	7 12	7 0	15 12	15 12	13 0	26	8 27	8 20	12 23	0 23 8
Hanupur	13 8	13 11	14 10	16 11	16 11	20 4	6 12	6 12	7 0	13 8	12 10	11 0	26	1 27	0 22	3 22	1 3
Jaunpur	15 11	15 8	13 6	23 10	23 11	21 1	7 1	7 12	7 1	18 4	19 12	12 11	24	0 26	1 22	9 24	0
Gorakhpur	16 34	16 34	12 9	23 6	23 6	21 9	14 6	11 11	11 11	18 0	18 0	16 3	10	11 21	9 30	9 21	9 21 9
Basti	15 8	15 8	12 8	24 0	24 0	17 0	11 4	11 4	9 8	20 0	20 0	15 0	20	1 29	10 24	11	0
Azamgarh	14 0	14 0	13 5	23 14	23 10	17 8	8 2	8 2	7 6	19 3	19 3	15 5	20	1 29	10 24	11	0
Mirzapur	12 8	12 0	13 0	20 0	20 0	18 8	9 0	9 0	7 0	16 0	16 0	12 0	23	0 24	0 20	0 22	0 22 0
Benares	14 2	14 2	12 8	21 12	22 4	14 2	10 5	10 14	8 11	18 3	18 8	11 15	21	12 13	11 22	1 21	1 21 1
Ghaziipur	14 12	14 2	14 13	21 13	23 3	20 0	7 1	7 1	7 1	17 6	17 6	14 2	23	13 23	13 23	3 21	1 23 1
Lucknow	13 9	13 8	14 6	21 0	20 14	21 10	5 8	5 8	4 12	14 13	15 6	12 0	21	6 20	11 24	8 20	6 10 11
Unao	13 0	13 0	14 6	19 0	20 0	22 0	7 0	7 0	7 0	14 0	14 0	12 8	21	0 25	0 25	0 20	8 20 0
Bara Banki	14 0	13 8	14 4	21 0	20 0	19 0	8 0	8 0	6 0	14 0	11 8	13 0	21	0 20	8 25	0 19	0 18 1
Sitapur	15 13	15 15	6 2	22 7	23 8	24 0	6 9	6 6	5 8	15 4	12 12	12 12	22	8 22	1 25	4 21	4 21 0
Hardui	13 13	13 12	15 4	20 6	20 12	21 9	4 11	4 11	5 3	13 1	13 10	12 7	18	12	21	2 17	13 18 1
Kheri	16 4	18 0	15 6	27 0	27 0	22 0	6 4	6 8	5 0	17 1	18 0	11 2	20	0 29	0 25	0 25	0 27 0
Fyzabad	15 0	11 11	13 0	23 0	23 0	21 0	9 0	9 0	7 0	16 8	16 12	13 0	20	0 21	0 25	0 18	0 17 1
Bharach	4 8	13 8	13 0	29 0	29 0	17 0	7 0	7 0	6 8	14 0	15 0	14 0	30	0 27	0 30	0 17	0 17 0
Gonda	16 12	16 10	13 8	27 0	27 8	18 0	14 10	11 12	9 14	19 8	18 10	14 1	28	4 28	4 30	8 21	8 20 1
Rai Bareli	15 6	15 4	11 15	27 0	26 8	22 0	17 0	17 0	13 8	18 0	18 0	14 0	25	0 25	0 27	10 21	0 24 0
Sultanpur	15 8	15 8	13 8	26 0	26 0	20 0	9 0	9 0	8 0	21 0	21 0	16 0	25	0 27	0 23	0 25	0 26 0
Partabgarh	14 15	15 2	12 15	28 10	28 12	20 2	19 2	19 8	12 5	21 8	22 13	15 0	28	6 30	1 23	3 26	5 27
Delhi	15 0	14 8	13 0	23 8	23 0	21 0	...	...	...	13 0	13 0	10 0	24	0 22	0 19	0 21	8 18
Gurgaon	16 12	16 8	13 0	24 0	24 0	19 0	...	...	...	12 0	12 0	9 0	24	0 21	0 18	0 22	8 21
Karnal	10 0	15 0	14 8	24 0	24 0	24 0	...	...	...	10 0	10 0	11 0	23	0 23	0 18	8 13	0 19
Hissar	13 0	13 0	13 0	22 0	22 0	30 0	...	...	...	8 0	8 0	8 0	25	0 25	0 24	0 23	0 22
Rohtak [a]	14 8	14 0	13 0	23 0	22 0	22 0	...	...	...	10 0	9 0	9 0	24	8 25	0 19	0 20	8 19
Sirsa [b]	14 0	14 0	14 0	30 0	32 0	45 0	...	...	...	10 0	12 0	12 0	28	0 28	0 30	0 24	4 24
Umballa	15 0	14 4	18 0	22 0	21 0	26 0	...	...	...	11 8	10 8	10 8	26	0 26	0 23	0 17	8 17
Ludhiana	13 12	13 12	16 8	18 8	20 0	25 0	...	...	...	10 0	10 0	8 0	19	0 19	0 20	0 18	0 18
Sindla	10 8	10 8	12 8	15 0	13 0	17 0	...	...	...	9 8	10 0	10 0	...	...	...	14 0	13
Jullundur	13 4	13 4	14 8	16 8	17 0	20 0	...	...	...	8 0	8 0	8 0	21	0 20	0 19	0 17	8 16
Hoshiarpur	No return received						...	...	...	...	...	...	...	...	...	...	...
Kangra [a]	11 8	11 0	13 0	13 0	13 0	16 0	...	...	...	12 0	11 0	10 0	...	...	...	...	...
Amritsar	12 12	12 4	13 4	16 4	17 0	19 8	...	...	...	9 8	9 0	9 8	20	8 18	0 16	0 15	8 15
Sialkot [a]	12 12	13 0	12 4	14 8	15 0	18 8	...	...	...	10 0	11 0	11 8	17	8 18	0 14	8 16	0 15 1
Gurdaspur	12 8	12 8	10 3	14 0	14 0	16 0	...	...	...	12 0	12 0	11 0	18	0 18	0 14	0 14	0 14
Lahore [a]	13 0	12 8	13 0	18 8	17 0	24 0	...	...	...	9 8	9 8	8 0	18	0 18	0 15	8 16	0 16
Ferozepore	13 8	13 0	14 0	22 0	22 0	25 0	...	...	...	9 0	9 0	8 0	22	0 20	0 18	8 19	0 18
Gujranwala	13 0	12 8	12 8	16 0	15 0	22 0	...	...	...	9 8	9 8	11 0	16	0 16	0 17	0 14	0 12
Rawalpindi	8 2	8 0	15 0	10 0	10 0	20 0	...	...	...	5 8	5 4	6 0	14				

2000

RS OF 80 TOLAHS.												AVERAGE WAGES PER MONTH.			
Willetts, Ragi, wani, Veragu, Sheena, Coraboo, Nugeel, Fannatrum, &c.															
Grain.					Firewood.			Salt.				Able-bodied Agricultural Labourer	Syce or Horse-keeper.	Common Mason, Carpenter, or Blacksmith.	
Past fortnight.		Corresponding fortnight of 1878.		Present fortnight.	Past fortnight.		Corresponding fortnight of 1878.	Present fortnight.		Past fortnight.		Corresponding fortnight of 1878.			
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.
...	...	5 0	6 0	10 0	160 0	160 0	160 0	7 8	7 8	7 9	...	...	...	...	...
...	...	15 12	15 3	13 8	135 0	135 0	135 0	...	...	...	...	...	...	...	...
...	...	15 10	15 10	16 4	125 0	125 0	125 0	9 11	...	10 5	...	...	...	...	...
...	...	15 0	15 0	16 12	120 0	120 0	168 0	9 4	9 1	9 0	...	...	...	...	...
...	...	14 1	14 1	15 5	87 8	87 8	125 0	9 6	9 6	10 0	...	...	...	...	...
...	...	12 4	12 4	16 10	110 0	110 0	160 0	9 4	9 0	9 4	...	...	...	...	...
...	...	13 12	12 8	13 12	200 0	200 0	100 0	9 6	9 6	10 0	...	...	...	...	...
...	...	11 8	11 8	16 4	60 0	60 0	80 0	11 0	11 0	11 0	...	...	...	...	...
...	...	14 8	14 8	15 4	40 0	60 0	90 0	12 6	12 0	11 0	...	...	...	...	...
...	...	12 1	12 1	15 7	88 6	95 0	160 0	...	...	9 4	...	...	...	...	...
...	...	13 4	13 0	15 12	120 0	120 0	160 0	9 8	9 8	9 8	...	...	...	...	...
...	...	11 8	11 8	15 8	80 0	80 0	160 0	8 0	8 0	8 0	...	...	...	...	...
...	...	13 0	13 0	18 8	100 0	100 0	110 0	11 0	11 8	11 0	...	...	...	...	...
...	...	17 0	16 0	16 0	120 0	120 0	120 0	...	...	...	...	...	...	...	...
...	...	15 8	15 5	17 12	200 0	200 0	200 0	...	...	8 0	...	...	...	...	...
...	...	17 8	15 8	15 8	160 0	160 0	210 0	9 0	9 0	8 0	...	...	...	...	...
...	...	15 8	15 0	14 8	100 0	90 0	110 0	11 0	11 0	10 0	...	...	...	...	...
...	...	13 4	12 12	12 4	200 0	200 0	200 0	8 8	9 0	8 8	...	...	...	...	...
...	...	18 8	18 0	15 8	180 0	180 0	160 0	...	...	...	...	...	...	...	...
...	...	13 2	13 1	12 12	110 0	85 0	130 0	9 0	8 12	8 12	...	...	...	...	...
...	...	16 11	16 11	11 13	140 0	140 0	180 0	...	...	...	...	...	...	...	...
...	...	13 7	13 6	15 8	169 8	169 8	197 12	8 6	8 6	8 15	...	...	...	...	...
...	...	11 0	11 13	11 6	160 0	160 0	160 0	8 0	8 0	8 0	...	...	...	...	...
...	...	11 12	15 0	13 4	110 0	110 0	160 0	7 8	7 8	8 0	...	...	...	...	...
...	...	11 12	13 4	12 3	177 0	177 0	177 0	8 2	8 2	7 4	...	...	...	...	...
...	...	12 0	12 0	12 0	80 0	80 0	110 0	9 0	9 0	9 0	...	...	...	...	...
...	...	15 4	11 11	15 12	120 0	100 0	120 0	8 11	8 11	...	...	...	...	...	...
...	...	13 8	12 14	12 11	206 0	206 0	206 0	7 11	7 11	7 6	...	...	...	...	...
1 0	0	13 5	13 3	11 5	60 0	64 6	120 0	9 0	9 0	8 4	...	...	...	...	...
1 0	0	13 0	12 8	15 0	120 0	120 0	200 0	8 8	8 8	9 0	...	...	...	...	...
3 0	0	13 0	12 8	16 0	100 0	100 0	180 0	8 8	8 8	8 0	...	...	...	...	...
6 0	0	15 10	16 6	17 13	160 0	160 0	160 0	8 0	8 0	8 8	...	...	...	...	...
...	...	14 0	14 1	15 4	300 0	200 0	300 0	8 7	8 7	8 11	...	...	...	...	...
...	...	16 4	18 0	18 1	160 0	160 0	200 0	8 7	8 0	8 4	...	...	...	...	...
...	...	15 0	15 0	13 8	120 0	120 0	160 0	8 8	8 8	8 8	...	...	...	...	...
...	...	17 0	16 0	18 0	150 0	150 0	160 0	8 0	8 0	8 4	...	...	...	...	...
...	...	18 8	18 0	15 10	210 0	210 0	210 0	8 12	8 12	8 6	...	...	...	...	...
...	...	11 0	10 8	13 9	200 0	200 0	200 0	8 0	8 0	8 0	...	...	...	...	...
...	...	11 4	11 4	15 0	160 0	160 0	160 0	8 8	8 8	9 0	...	...	...	...	...
...	...	11 12	11 9	13 8	173 5	200 0	193 5	8 3	8 5	8 0	...	...	...	...	...
...	...	17 12	17 0	15 0	60 0	60 0	80 0	9 8	9 8	10 0	...	...	...	...	...
...	...	16 12	16 8	15 0	80 0	80 0	120 0	9 8	9 8	9 0	...	...	...	...	...
...	...	18 0	18 0	18 4	160 0	160 0	160 0	9 0	9 0	9 0	...	...	...	...	...
...	...	21 0	20 0	20 0	100 0	100 0	100 0	9 0	9 0	9 0	...	...	...	...	...
...	...	18 8	19 0	16 8	80 0	100 0	100 0	9 8	9 8	8 12	...	...	...	...	...
...	...	25 0	26 2	21 0	120 0	110 0	80 0	9 8	9 8	8 8	...	...	...	...	...
...	...	18 0	18 0	18 0	160 0	160 0	160 0	10 4	10 4	9 8	...	...	...	...	...
...	...	19 0	17 12	17 0	100 0	100 0	80 0	11 0	11 0	9 8	...	...	...	...	...
...	...	14 0	13 4	12 4	80 0	80 0	100 0	7 12	7 12	7 12	...	...	...	...	...
...	...	18 1	17 4	15 0	90 0	90 0	100 0	10 0	10 0	8 0	...	...	...	...	...
...	...	13 0	12 4	11 0	160 0	200 0	160 0	8 0	8 0	8 0	...	...	...	...	...
...	...	17 4	16 0	15 0	75 0	80 0	80 0	10 10	10 9	10 5	...	...	...	...	...
...	...	15 8	14 0	14 8	110 0	150 0	120 0	11 0	11 4	10 0	...	...	...	...	...
...	...	16 0	15 0	15 0	120 0	120 0	120 0	10 0	9 4	9 0	...	...	...	...	...
...	...	16 8	15 8	15 0	60 0	70 0	80 0	10 8	10 8	9 8	...	...	...	...	...
...	...	19 8	18 8	18 0	70 0	70 0	90 0	10 8	10 8	9 8	...	...	...	...	...
...	...	17 0	14 4	13 4	100 0	100 0	100 0	11 0	12 0	10 8	...	...	...	...	...
...	...	9 12	9 6	10 8	21 0	21 0	60 0	11 0	11 0	11 4	...	...	...	...	...
...	...	14 3	13 12	12 8	110 0	110 0	110 0	12 8	12 8	11 0	...	...	...	...	...
...	...	13 6	13 6	13 0	90 0	80 0	120 0	12 0	11 8	11 0	...	...	...	...	...
...	...	12 0	12 4	13 8	320 0	320 0	320 0	14 0	14 0	14 0	...	...	...	...	...
...	...	14 0	14 8	13 0	70 0	80 0	70 0	11 4	11 12	10 4	...	...	...	...	...
...	...	14 12	14 8	12 0	200 0	200 0	160 0	11 12	11 12	11 0	...	...	...	...	...
...	...	16 0	15 0	14 0	200 0	200 0	160 0	10 0	10 0	9 0	...	...	...	...	...
...	...	14 0	15 0	12 0	100 0	100 0	100 0	11 8	11 0	10 8	...	...	...	...	...
...	...	10 7	10 12	12 15	100 0	100 0	75 0	35 3	32 8	48 12	...	...	...	...	...
...	...	11 9	11 9	10 5	105 0	105 0	105 0	16 4	15 0	23 2	...	...	...	...	...
...	...	9 11	10 0	16 4	80 0	80 0	100 0	8 0	8 0	8 0
...	...	6 5	6 2	8 3	48 8	48 8	76 0	22 8	26 6	38 8
...	...	7 0	6 4	9 0	180 0	120 0	110 0	7 0	7 0	8 8

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SUPPLEMENT TO THE GAZETTE OF INDIA, JANUARY 24, 1880.

r the 2nd half of December 1879 —concluded.

[illegible]

R. B. CHAPMAN,
Secretary to the Govt. of India

GOVERNMENT OF INDIA.
HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF
CALCUTTA DURING THE MONTH OF NOVEMBER 1879.

No. 1.—As to age and sex.

	DEMERARA.			Trinidad.			Surinam.			TOTAL.		GRAND TOTAL.	REMARKS.
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.		
Under 2 years	6	5	11	17	15	32	6	6	12	29	26	55	
From 2 to 10 years	16	15	31	44	27	71	14	8	22	74	50	124	
" 10 to 20 "	68	29	97	63	88	151	46	25	71	177	142	319	
" 20 to 30 "	177	78	255	159	189	339	143	50	193	470	317	787	
" 30 to 40 "	14	2	16	9	10	19	16	5	21	39	17	56	
" 40 to 50 "	2	1	3	1	..	1	..	1	1	3	2	5	
Above 50 " . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
GRAND TOTAL	283	130	413	284	329	613	225	95	320	792	554	1,346	

No. 2.—As to places whence emigrants came to Calcutta for embarkation.

Orissa	3	..	3	..	2	2	1	..	1	4	2	6	
Western Bengal	6	5	11	3	1	4	5	2	7	14	8	22	
Central ditto	4	1	5	5	2	7	3	3	6	12	6	18	
Eastern ditto	2	..	2	1	..	1	3	..	3	6	..	6	
Behar	74	31	105	77	61	138	63	27	90	214	119	333	
N.-W. Provinces	131	64	195	122	154	276	122	55	177	375	273	648	
Oudh	46	20	66	66	97	163	9	5	14	121	122	243	
Central India	12	9	21	6	9	15	7	3	10	25	21	46	
Punjab	1	..	1	3	2	5	8	..	8	12	2	14	
Nepal . . . . .	..	..	..	..	..	..	1	..	1	1	..	1	
Mixed, Madras and Bombay, &c.	4	..	4	1	1	2	3	..	3	8	1	9	
GRAND TOTAL	283	130	413	284	329	613	225	95	320	792	554	1,346	

No. 3.—As to caste and religion.

Brahmins, high caste	60	17	77	39	57	96	37	9	46	136	83	219	
Hindus { Agriculturists	82	33	115	78	92	170	75	20	95	235	145	380	
Artizans	13	5	18	28	13	41	14	6	20	55	24	79	
Hindus { Low castes	74	43	117	79	83	162	57	33	90	210	159	369	
Mussulmans	54	32	86	60	84	144	42	27	69	156	143	299	
Christians . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
GRAND TOTAL	283	130	413	284	329	613	225	95	320	792	554	1,346	

MEMO.		M.	F.	TOTAL.
1. Hindus	..	636	411	1,047
2. Mussulmans	..	156	143	299
3. Christians	..	..	..	..
TOTAL	..	792	554	1,346

C. BERNARD,
Offg. Secy. to the Govt. of India.

IRRIGATION OPERATIONS IN THE PUNJAB OF FASL RABI OF 1879-80 UP TO 30th NOVEMBER 1879.

CANAL DIVISION.	WATER DISTRIBUTED DURING NOVEMBER 1925.				NAVIGATION RETURN CANAL		LAND IRRIGATED (APPROXIMATE).		RAINFALL.		CHIEF CROPS (APPROXIMATE).		REMARKS.	
	DEPTH IN CANAL AT DISCHARGING GAUGE.				GENERAL CONSUMPTION, CUBIC FEET PER SECOND.		PRINCIPAL ITEMS OF TRAFFIC.		ZILA.	ACRES.	Average. During month.	NAME.		Area in acres.
	Full supply.	Actual throughout.	Estimated full supply.	Actual average throughout.	Up.	Down.	Up.	Down.						
1st Division	4.9	3.88	3073.6	652.71	...	...	Gurjaspur	5,983	0.19	...	Wheat	84,809	The volume entering the head of the Bari Doab Canal was 2208.93 cubic feet per second; 41.05 cubic feet per second passed out of the escapes in the 2nd Division, and the balance 2167.78 cubic feet per second was utilized. There is an increase of 16,870 acres irrigated as compared with the corresponding period of last year.
2nd Division, Main Branch, Lower	4.6	2.70	846.86	...	...	...	Amritsar	47,341	0.20	...	Barley	1,619	
2nd do., Lahore Branch	3.0	3.0	608.21	...	...	...	Lahore	69,923	0.35	...	Mixed grains	4,402	
	...	...	3073.6	2107.78	...	...	...	123,247	...	...	Miscellaneous	32,327	
TOTAL BARI DOAB CANAL	...	...	2890.0	2442.64	...	...	...	106,677	...	...	...	123,247	
Corresponding period of last year	...	...	...	...	...	...	...	...	...	...	...	106,677	
Karnal Division	4.33	4.29	2,546	365	42,285	...	Unbada	437	0.05	...	Wheat	18,344	The volume entering the Western Jumna Canal at Dadpur was 2,528 cubic feet per second, of which 48 cubic feet passed out at the escapes leaving 2,480 cubic feet as utilized. More water could have been sent down, but there was no demand and there is a very large decrease in the area irrigated. The reasons for decrease generally given are— (1). Sickness amongst cultivators. (2). Large and late kharif crop still being cut. (3). Plentiful rain allowing of crops being put in without canal water. (4). Removal of enhanced land revenue, and substitution of owner's rate, allows men to make the experiment of growing crops without canal water. A good deal of rain-sown land is being irrigated, and an improvement is expected in the next report.	
Delhi do.	5.70	5.91	...	892	...	...	Karnal	9,363	0.03	...	Barley	138	
Hansi do.	9.00	7.97	...	947	...	...	Delhi	3,642	...	...	Mixed grains	3,639	
Do. Bulla Head	8.80	8.55	...	281	...	...	Rohitak	3,952	0.02	...	Miscellaneous	3,367	
TOTAL WESTERN JUMNA CANAL	...	...	2,546	2,485	42,285	...	Hissar	2,042	0.08	...	...	...
Corresponding period of last year	...	...	2,558	2,563.17	51,529	...	Jhind	5,714	...	...	...	...
Upper Sutlej Division	...	...	...	...	...	...	Bikaner	...	...	...	...	...
Lower Sutlej and Chenab	...	...	...	...	...	...	Kalsia State	338	...	...	...	...
Indus Canals	...	...	...	...	...	...	...	25,488	...	...	...	25,488	
TOTAL INDUS CANALS	...	...	...	...	...	...	...	49,142	...	...	...	49,142	
Corresponding period of last year	...	...	...	...	...	...	Lahore	17,000	...	...	Detail not available for want of establishment.	...	
Upper Sutlej Division	...	...	...	...	...	...	Montgomery	25,000	...	...	...	...
Lower Sutlej and Chenab	...	...	...	...	...	...	Mooltan	132,850	...	...	...	...
Indus Canals	...	...	...	...	...	...	Dera Ghazi Khan	42,042	...	...	...	...
TOTAL INDUS CANALS	...	...	...	...	...	...	...	216,892	...	...	...	216,892	
Corresponding period of last year	...	...	...	...	...	...	...	254,000	...	...	...	254,000	
Najafgarh Jhil	...	...	...	...	...	...	Delhi	...	...	...	Wheat	...	
	...	...	...	...	...	...	Gurgaon	...	...	...	Barley	...	
	...	...	...	...	...	...	...	...	...	...	Mixed grains	...	
	...	...	...	...	...	...	...	...	...	...	Miscellaneous	...	
TOTAL NAJAFGARH JHIL	...	...	...	...	...	...	...	...	...	...	...	...
Corresponding period of last year	...	...	...	...	...	...	...	921	...	...	...	921	

IRRIGATION BRANCH.

IRRIGATION OPERATIONS OF BENGAL FOR 1879-80.

Areas leased for Irrigation up to end of November 1879.

Circle.	District.	Canal.	SUPPLY OF WATER IN THE CANAL.				KHURREEF.						RUBBEE.						SUGARCANE.				GRAND TOTAL.				RAINFALL.																																																																																																																																																																																																																																																																													
			Estimated full discharge in cubic feet per second.	Average discharge in cubic feet per second throughout the month.	Estimated discharge utilized.	c. ft.	FIVE-YEAR LEASES.		THREE-YEAR LEASES.		ANNUAL LEASES.		THREE-YEAR LEASES.		ANNUAL LEASES.		SUGARCANE.		GRAND TOTAL.		Inches during the month.	Inches during the same period, 1879-80.	Average of ten previous years of the same period.																																																																																																																																																																																																																																																																																	
							Leased in November 1879.	Leased up to end of November 1879.	Total inclusive of unexpired leases of previous years.	Leased in November 1879.	Leased up to end of November 1879.	Total inclusive of unexpired leases of previous years.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.				Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	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Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	Leased in November 1879.	Leased up to end of November 1879.	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D. B. HORN,
Asst. Secy. to the Govt. of Bengal,
P. W. Dept., Irrigation Branch.

GOVERNMENT OF INDIA.
DEPARTMENT OF FINANCE AND COMMERCE.

REPORT ON DISTRICT SAVINGS BANKS IN BENGAL FOR 1878-79.

Fort William, the 24th January 1880.

No. 309.—Read the following :—

No. 64, dated Calcutta, the 24th December 1879.

From—W. WATERFIELD, Esq., Officiating Comptroller General,

To—The Secretary to the Government of India, DEPARTMENT OF FINANCE AND COMMERCE.

I have the honor to forward, for submission to Government, my annual report on the working and progress of District Savings Banks in the Bengal Presidency for the year 1878-79. I have also, as last year, included in this report the transactions of the Presidency Savings Banks at Calcutta, Madras, and Bombay, and of the Regimental Banks in India.

During the past year four new banks, as per margin, were opened, and one, *viz.*, at Sironcha, was abolished. There was therefore a net addition of three banks to those existing at the end of the year 1877-78, and the total number stood at 170 on the 31st March last. No business, however, was transacted in five of these, *viz.*, Tura (Garo Hills), Mergui, Thongzai, Rohtak and Morar, and the reason assigned for this inaction at Mergui, Thongzai and Rohtak is that the people get a higher rate of interest—more than 6 per cent.—by private investment, and therefore they do not like to deposit their savings in the Savings Bank at such a low rate as $3\frac{3}{4}$ per cent. There were therefore 165 working banks at the end of the year under report. The banks at Tura and Morar have, however, begun to work in the current year.

There are three Presidency Savings Banks—one in each of the three Presidencies. In 1877-78 there were 173 Regimental Savings Banks, but in the year under review the number was reduced to 165, owing to some regiments leaving India. Thus the total number of Savings Banks in India, both Civil and Military, amounted to 338 at the end of the past year. The following table shows the number of District Savings Banks open in each province, and the total number of Presidency and Regimental Savings Banks in India :—

District Savings Banks—	1877-78.	1878-79.
Bengal	45	45
Assam	11	11
North-Western Provinces and Oudh	47	47
Punjab	24	24
Central Provinces	19	18
British Burmah	14	15
Berar	2	2
India	5	8
	167	170
Presidency Savings Banks	3	3
Regimental Savings Banks	173	165
TOTAL	343	338

The number of depositors in the District Savings Banks on the 31st March 1878 was 12,254, which rose to 13,040 at the end of the past year, showing an increase of 786, or about $6\frac{1}{2}$ per cent. In the Presidency Savings Banks the number of depositors rose from 53,332 in 1877-78 to 54,819 in 1878-79, the increase being 1,487, or nearly 3 per cent. The number of depositors in the Regimental Savings Banks shows a decrease of 1,288, since there were 17,932 depositors in 1877-78 and 16,644 in 1878-79. The decrease is, as stated above, owing to the departure of regiments from India.

Taking all the Banks together, the total number of accounts was 83,518 on the 31st March 1878, and 84,503 at the end of the past year, with an increase of 985. In the following statement is given the number of depositors

in the District Savings Banks in each province and that in the Presidency and Regimental Savings Banks:—

Provinces.	Number of working Banks, 1877-78.	Number of working Banks, 1878-79.	Number of depositors, 1877-78.	Number of depositors, 1878-79.	Percentage of increase in number of depositors.	Average of Depositors per Bank.	
						1877-78.	1878-79.
District Savings Banks—							
Bengal	45	45	5,251	5,401	2.86	116	120
Assam	10	10	634	649	2.37	63	65
North-Western Provinces and Oudh	47	47	2,821	3,006	6.44	60	64
Punjab	23	23	1,160	1,238	6.72	50	54
Central Provinces	19	18	768	711	*7.42	40	39
British Burmah	13	13	445	485	8.99	34	37
Berar	2	2	312	303	*2.88	156	151
India	5	7	860	1,247	45	172	178
TOTAL							
164	165	12,254	13,040				
Presidency Savings Bank, Calcutta	1	1	12,008	12,320	2.60	...	...
Ditto ditto Madras	1	1	11,472	11,738	2.32	...	...
Ditto ditto Bombay	1	1	29,852	30,761	3.05	...	...
Regimental Savings Banks, Bengal	101	97	9,674	10,191	5.34	93	105
Ditto ditto Madras	36	36	2,562	2,315	*9.64	71	61
Ditto ditto Bombay	33	32	5,696	4,138	*27.35	173	129
GRAND TOTAL							
340	333	83,518	84,503				

* Decrease.

In 1877-78 the balance of deposits at credit of the accounts in the District Savings Banks was Rs. 28,43,462, which increased to Rs. 32,87,537 at the close of the past year. The increase amounts to Rs. 4,44,075, or about 15½ per cent. There was, however, a falling off in the Presidency and Regimental Savings Banks. The decrease in the Presidency Savings Banks was Rs. 5,72,497 from Rs. 1,44,43,435 in 1877-78 to Rs. 1,38,70,938 in 1878-79. In the Regimental Banks the decrease was Rs. 53,926, as the amount at the close of 1877-78 was Rs. 22,71,678, and that at the close of the past year Rs. 22,20,752. The falling off in the Presidency Savings Banks is, as far as has been ascertained, due partly to a more strict observance of the Rule regarding limit of deposit, and partly to the extension of the District Savings Bank system to the mofussil treasuries. The cause of the decrease in the balances of the Regimental Savings Banks has been explained above.

The total net decrease in the balance at credit of the depositors in all the Civil and Military Banks is Rs. 1,82,348; the amount on the 31st March 1878 was Rs. 1,95,61,575 and at the end of the past year Rs. 1,93,79,227.

The following table shows the balance of deposits at credit of depositors in the District Savings Banks in each province and that at credit of the accounts in the Presidency and Regimental Banks in India. It also gives the average balance in each Bank and at credit of each depositor:—

Provinces.	Balance of deposits.		Increase.	Percent- age of increase.	Average bal- ance in each Bank.		Average cred- it balance at credit of each depositor.	
	1877-78.	1878-79.			1877-78.	1878-79.	1877-78.	1878-79.
	Rs.	Rs.			Rs.	Rs.	Rs.	Rs.
District Savings Banks—								
Bengal	11,21,400	12,88,395	1,66,995	14.89	24,920	28,631	213	239
Assam	1,31,876	1,40,138	8,262	6.49	13,187	14,014	208	216
North-Western Provinces and Oudh	6,79,056	7,42,767	63,711	9.38	14,448	15,801	210	247
Punjab	3,46,096	4,23,883	77,787	22.48	15,047	18,430	298	342
Central Provinces	2,54,582	2,81,375	26,793	10.52	13,399	15,632	331	396
British Burmah	1,21,803	1,52,344	30,541	25.07	9,369	11,719	273	314
Berar	73,231	78,634	5,403	7.38	36,615	39,317	234	260
India	1,15,418	1,79,701	64,283	55.70	23,083	25,672	134	144
TOTAL								
Presidency Savings Bank, Calcutta	28,43,462	32,87,537	4,44,075					
Ditto ditto Madras	26,51,538	25,55,995	*95,543	*3.60	...	...	221	207
Ditto ditto Bombay	22,96,546	21,24,115	*1,72,431	*7.51	...	...	200	181
Regimental Savings Banks, Bengal	94,95,351	91,90,828	*3,04,523	*3.21	...	...	318	299
Ditto ditto Madras	14,40,989	14,85,553	44,564	3.09	13,856	15,315	149	146
Ditto ditto Bombay	3,78,504	3,78,420	*84	*.02	10,514	10,512	148	163
Ditto ditto Bombay	4,55,185	3,56,779	*98,406	*21.62	13,793	11,149	80	86
GRAND TOTAL								
	1,95,61,575	1,93,79,227	*1,82,348					

The depositors in the District Savings Banks are distributed in the following classes according to their callings :—

Classification of Depositors in District Savings Banks.

PROVINCES.	CLASS I. PROFESSIONAL.		CLASS II.	CLASS III.	CLASS IV.	CLASS V.	CLASS VI.	TOTAL.
	A. Having fixed incomes.	B. Having variable incomes.	Domestic.	Commer- cial.	Agricul- tural.	Industri- al.	Indefi- nite or non-pro- ductive.	
Bengal	3,194	506	340	198	58	18	1,087	5,401
Assam	329	40	49	43	7	2	179	649
North-Western Provinces and Oudh	1,588	91	786	50	14	25	452	3,006
Punjab	725	30	153	18	4	10	298	1,238
Central Provinces	345	26	51	61	10	6	212	711
British Burmah	209	48	83	38	...	23	84	485
Berar	139	9	83	4	...	4	64	303
India	219	8	478	18	38	403	83	1,247
TOTAL, 1878-79	6,748	758	2,023	430	131	491	2,459	13,040
TOTAL, 1877-78	6,547	766	1,650	437	145	399	2,310	12,254
Increase in 1878-79	201	...	373	...	...	92	149	786
Decrease in 1878-79 . . . . .	...	8	...	7	14	...	...	...

Of the 81,503 accounts 50,031 are held by the natives of the country and 31,472 by European and Eurasian depositors. The subjoined table shows in detail the number of native and of European and Eurasian depositors, the balances at their credit, and the amount of interest passed to them :—

	Number of Banks open.	NATIVE DEPOSITORS, IN- CLUSIVE OF ACCOUNTS FOR LOCAL INSTITUTIONS.			EUROPEAN AND EURA- SIAN DEPOSITORS, INCLU- SIVE OF ACCOUNTS FOR LOCAL INSTITUTIONS.			TOTAL.		
		Number of accounts.	Balance of deposits.	Amount of interest allowed.	Number of accounts.	Balance of deposits.	Amount of interest allowed.	Number of accounts.	Balance of deposits.	Amount of interest allowed.
			Rs.	Rs.		Rs.	Rs.		Rs.	Rs.
District Savings Banks—										
Bengal	45	4,979	11,32,647	36,835	422	1,55,748	6,202	5,401	12,88,395	43,037
Assam	11	565	1,13,848	4,099	84	26,590	872	649	1,40,438	4,971
N.-W. P. and Oudh	47	2,373	5,31,726	16,645	633	2,11,041	8,723	3,006	7,42,767	25,368
Punjab	24	796	2,53,998	8,508	442	1,69,885	5,464	1,238	4,23,883	13,972
Central Provinces	18	504	2,15,292	7,355	207	66,083	2,310	711	2,81,375	9,665
British Burmah	15	241	83,506	2,250	244	68,838	2,336	485	1,52,344	4,586
Berar	2	251	63,463	2,141	52	15,171	591	303	78,634	2,732
India	8	1,092	1,35,721	3,830	155	43,980	1,010	1,247	1,79,701	4,840
TOTAL	170	10,801	25,30,201	81,663	2,239	7,57,336	27,508	13,040	32,87,537	1,09,171
Presidency Savings Bank, Calcutta	1	8,404	11,37,167	41,015	3,916	14,18,828	49,158	12,320	25,55,995	90,173
Do. do. Madras	1	8,099	13,55,313	45,870	3,639	7,68,802	24,556	11,738	21,24,115	70,426
Do. do. Bombay	1	22,727	70,36,796	2,54,011	8,034	21,54,032	77,169	30,761	91,90,828	3,31,180
Regimental Savings Banks, Bengal	97	...	...	...	10,191	14,85,553	56,503	10,191	14,85,553	56,503
Do. do. Madras	36	...	...	...	2,315	3,78,420	15,126	2,315	3,78,420	15,126
Do. do. Bombay	32	...	...	...	4,138	3,56,779	17,671	4,138	3,56,779	17,671
GRAND TOTAL, 1878-79	338	50,031	1,20,59,477	4,22,559	34,472	73,19,750	2,67,691	84,503	1,93,79,227	6,90,250
„ 1877-78	343	48,378	1,21,72,768	4,47,688	35,140	73,88,807	2,70,071	83,518	1,95,61,575	7,17,759
Increase . . . . .	...	1,653	...	...	...	...	...	985	...	...
Decrease	5	...	1,13,291	25,129	668	69,057	2,380	...	1,82,348	27,509

It will be seen from the above table that the sum of Rs. 6,90,250 was passed to the depositors on account of interest at the close of the year under report against Rs. 7,17,759 in 1877-78.

The security deposit accounts numbered 1,070 on the 31st March last. This, in comparison with the previous year, shows an increase of 249. The balance at credit of these accounts has also increased from Rs. 2,00,304 to Rs. 2,50,617.

From the facts and figures given above it will be observed that the District Savings Banks continue to show progress, and that the Presidency and Regimental Banks have worked well.

The subjoined table shows at one view what progress the District Savings Banks have made during the past nine years :—

PROVINCES.	1870-71.		1871-72.		1872-73.		1873-74.		1874-75.		1875-76.		1876-77.		1877-78.		187
	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	No. of accounts.	Balance of deposits.	
		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.		Rs.	
Bengal	542	67,310	1,201	1,82,091	1,815	3,26,736	2,531	4,00,091	3,176	6,06,904	3,861	8,53,198	4,513	9,09,918	5,251	11,21,400	5,401
Assam	16	3,708	110	20,421	150	33,009	207	47,603	283	60,415	380	77,970	487	98,301	634	1,31,576	649
North Western Provinces	163	31,744	317	62,927	555	1,08,330	808	1,80,784	1,301	2,85,502	1,575	3,48,141	1,886	4,13,858	2,120	4,60,101	3,006
Oudh	16	2,477	90	20,046	198	61,559	298	1,00,011	369	1,31,900	439	1,80,218	510	1,98,904	609	2,18,956	
Punjab	163	19,296	231	52,026	337	89,838	488	1,13,575	669	2,04,081	821	2,55,318	978	3,03,139	1,160	3,46,096	1,238
Central Provinces	50	12,003	123	35,850	203	57,107	312	89,750	444	1,21,065	532	1,61,621	615	2,03,120	708	2,51,582	711
British Burmah	97	3,838	141	10,085	232	34,300	236	49,677	365	92,441	409	1,04,722	447	1,13,292	445	1,21,803	486
Berar	29	2,468	61	10,238	04	21,133	104	28,154	117	33,121	202	45,873	277	50,254	312	73,211	304
India	48	6,075	97	17,998	162	33,356	353	61,015	344	64,747	713	94,718	880	1,14,155	800	1,15,418	1,247
TOTAL	1,064	1,48,912	2,374	4,12,888	3,740	7,65,650	5,127	11,80,750	7,065	16,06,856	8,932	21,21,309	10,503	24,74,430	12,254	28,45,462	13,040

Ordered, that this report be published in the Supplement to the *Gazette of India* for general information.

R. B. CHAPMAN,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS
FOR THE WEEK ENDING THE 20th JANUARY 1880.

GENERAL REMARKS.—Slight rain fell during the week in the eastern districts of Bengal, in Assam, and in the Punjab; in the North-Western Provinces, there was a slight shower in Meerut, and plentiful rain in Kumaun. Rain is in most provinces wanted for the spring crops. Agricultural prospects remain good on the whole. Public health good save in the Deccan.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary (Jan. 17th)	...	<i>Ragi</i> 25·43; standing crops in good condition; early dry crops being harvested; second crop paddy being sown.
Kurnool (" ")	...	<i>Ragi</i> 29·7; paddy and <i>cholum</i> being harvested, former withered in one taluk from want of rain, latter injured by blight in another; pasture and water abundant.
Ganjam (" ")	...	<i>Ragi</i> 30·92.
Kistna ...	...	<i>Ragi</i> 30·84; standing dry crops good; wet paddy being harvested, outturn $\frac{1}{2}$ to full; 18 inches water over anicut.
Chingleput (Jan. 17th) (Madras)	...	<i>Ragi</i> 22·45; cultivation of second crop paddy in progress in four taluks, <i>ragi</i> in two; standing crops somewhat injured by insects; harvest of paddy and other crops progressing, outturn $\frac{1}{2}$ to $\frac{3}{4}$; pasture sufficient.
Coimbatore (" ")	...	<i>Ragi</i> 21·05; dry crops withering in four taluks and parts of four others; wet crops in fair condition; harvest of paddy and a few dry grains, outturn $\frac{1}{2}$ to full.
Tanjore (" ")	...	<i>Ragi</i> 29·82; crops in good condition, but want of rain felt in two taluks; harvest of paddy and a few dry grains, outturn $\frac{3}{4}$ to full.
Madura (" ")	...	<i>Ragi</i> 24·45.
Malabar (" ")	...	<i>Ragi</i> 23·87; harvesting of second crop paddy completed.
Travancore (" ")	...	State of food market generally unchanged. <i>General Remarks.</i> —General prospects good except in Trichinopoly, North Arcot, and western parts of South Arcot, where want of rain is still much felt.
Bombay— (Jan. 21st)		
Kurrachee ...	...	River on 16th 1 foot 10 inches against 1½ feet on same date last year; <i>rabi</i> crop coming on well; locusts about two tapas in Kotri taluka, some damage in one; disease in sheep and goats in Tatta; fever prevalent.
Hyderabad ...	...	Weather sultry, clouds gathering; <i>rabi</i> promising; small-pox continues in Naushahro taluka; mortality amongst camels and horses in taluka Badin and amongst camels in taluka Mohbatdero; locusts slightly damaged crops in Hyderabad taluka.
Ahmedabad ...	...	Weather foggy; public health good.
Baroda ...	...	All <i>rabi</i> crops in good condition; cotton healthy; sugarcane planting in progress; prices stationary.
Surat ...	...	Crops generally healthy; fever in five talukas.
Nasik ...	...	Ague in four talukas; cattle disease disappeared; <i>rabi</i> crops fair.
Colaba (Bombay) ...	...	Abnormal temperature <i>nil</i> till 17th, afterwards gradually fell to 2 degrees cool; vapour in air slightly excessive; wind normal.
Poona (Jan. 18th)	...	Cholera in Poona city, 96 cases, 79 deaths.
Ahmednagar ...	...	Crops in inferior soil withering but good elsewhere; injury by rats in Kopergaon.
Sholapore ...	...	Prospects unchanged; public health good.
Dharwar ...	...	Slight fever in seven talukas; exotic cotton somewhat damaged.
Kanara ...	...	Second crop plants sprouting on coast; fever very prevalent; cattle disease less.
Rajkot ...	...	Report not received.
		<i>General Remarks.</i> — <i>Rabi</i> crops doing well throughout presidency; some damage by locusts in Sind; fever in Kanara, Dharwar, and Surat; 79 deaths from cholera in Poona city.
Bengal— (Jan. 20th)		
Chittagong ...	0·06	Weather seasonable; state of winter crops good; cholera still prevailing in south; cattle disease in some parts of district.
Dacca ...	<i>Nil</i>	Prospects of crops favourable; public health good.
24-Pergunnahs (Alipore)	<i>Nil</i>	Winter crops promising; <i>amun</i> has yielded an average crop; reaping of <i>amun</i> continues on low lands in few places; sporadic cases of cholera in Baripore; public health generally good.
Moorsshedabad ...	<i>Nil</i>	Prospects of crops good; transplantation of <i>boro</i> paddy going on; fever in a mitigated form still prevalent in thana Burwa; cholera still prevails in Berhampore town, but in a milder type.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—contd.		
Rajshahye ...	<i>Nil</i>	Weather cool and foggy in mornings at close of week; cutting of winter rice nearly completed, outturn generally good; spring crops thriving; public health good.
Burdwan ...	<i>Nil</i>	Rain wanted everywhere, especially in Raneeunge for <i>rabi</i> crops; health good.
Rungpore ...	1.18	Weather cool; crops favourable; public health good.
Bhágálpur ...	<i>Nil</i>	Weather cloudy, prospects of crops and general health good.
Purneah ...	<i>Nil</i>	Paddy harvested, good crop; fever prevalent.
Patna ...	<i>Nil</i>	Rain wanted for <i>rabi</i> crops.
Durbhanga ...	0.36	Prospects of <i>rabi</i> crops continue promising; harvesting of <i>aghani</i> rice finished; prices stationary; public health good.
Hazáribágh ...	<i>Nil</i>	Weather seasonable; rain wanted for <i>rabi</i> crops; district health good.
Cuttack ...	<i>Nil</i>	Rice being still harvested; winter crops good; small-pox still prevalent.
		<i>General Remarks.</i> —Slight rain during week in Rungpore, Darjeeling, Julpáiguri, Duárs, Durbhanga, and Chittagong; rain wanted in places in Behar and Chota Nagpore, and in Burdwan, Nuddea, and Jessore; elsewhere <i>rabi</i> prospects excellent; <i>amun</i> all harvested, except in low lands in a few places; outturn in most districts good; pulses being gathered and sugarcane cut and pressed in some districts; fever, cholera, and small-pox still reported in places; general health on the whole good.
N.-W. Provinces and Oudh—		
Benares (Jan. 20th)	<i>Nil</i>	Rain wanted; prospects and health good.
Allahabad (" ")	<i>Nil</i>	Wind easterly during the last two days; heavy clouds but with no result; wind changed this morning and clouds dispersed; crops looking well though rain wanted; general health good; prices stationary.
Jhánsi (" 21st)	<i>Nil</i>	Rain would be beneficial; prices stationary.
Gorakhpur (" ")	<i>Nil</i>	<i>Rabi</i> thriving; health good.
Agra (" ")	...	<i>Rabi</i> crops thriving favourably; cloudy; health improving.
Bareilly (" 21st)	...	Weather clear and cold; prospects good.
Meerut (" ")	Slight rain on 19th, 13.0 yesterday.	Prospects good; health improving; prices falling slightly.
Kumaun (Jan. 20th)	...	Rain plentiful and seasonable.
Lucknow (" 21st)	...	Weather seasonable; prospects good; <i>dhan</i> 30 seers.
Partabgarh (" 19th)	...	Sky clouded; rain wanted; crops promising.
Sitapur (" 21st)	...	East wind; rain breaking; prospects good.
Fyzabad ...	<i>Nil</i>	Prospects good.
		<i>General Remarks.</i> —Prospects good, but rain wanted in places, health improving.
Punjab—(Jan. 20th)		
Delhi ...	...	Prospects good; health improving.
Hissar ...	...	Weather cloudy; crops thriving; prices falling; health improving.
Umballa ...	5	Health and crops fair.
Jullundur ...	6	Agricultural prospects much improved; health good.
Lahore ...	Slight rain	Health and crops good.
Ferozepore ...	...	Agricultural prospects fair; prices steady.
Siálkot ...	...	Harvest prospects fair.
Ráwalpindi ...	7	Agricultural prospects good.
Pesháwar ...	...	Prospects fairly good; health good.
Mooltan ...	...	Crops and health good; prices steady.
Dera Ismail Khan ...	...	Crops and health good.
		<i>General Remarks.</i> —Rain in several districts has still further improved prospects.
Central Provinces—		
Nágpur (Jan. 21st)	...	Getting warmer; prospects of <i>rabi</i> favourable; prices stationary.
Jubbulpore ...	...	Somewhat cloudy at intervals; <i>rabi</i> doing well; small-pox slight; prices stationary.
Saugor ...	...	Cloudy; <i>rabi</i> healthy and in ear; prospects good; prices stationary.
Seoni ...	...	Cloudy; rain required for <i>rabi</i> which is favourable for the present; slight small-pox.
Hoshangabad ...	...	<i>Rabi</i> doing well; health good; prices stationary.
Raipur (Jan. 17th)	...	Clear and cool; prospects of <i>rabi</i> good; cattle disease continues; prices unchanged.
Sambalpur (" 16th)	...	Clear and cold; harvest completed; health good; prices stationary.
		<i>General Remarks.</i> —Clear at the commencement of the week; cloudy now; <i>rabi</i> generally good; <i>kharif</i> threshing continues in some districts.
British Burma—		
Akyab (Jan. 21st)	...	Public health good; crop outturn excellent.
Rangoon ...	...	A few cases of small-pox; small-pox and fever continue in Hanthawaddy district; otherwise public health good; health of cattle good; reaping nearly finished.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—contd.		
Bassein	Public health good; slight cattle disease.
Prome	Small-pox in Prome town and in portion of district.
Amherst (Moulmein)	Public health good; crops nearly gathered.
Toungoo	A few cases of small-pox, otherwise public health fair.
		<i>General Remarks.</i> —General health good; small-pox somewhat prevalent; some cholera and fever; slight cattle disease; favourable accounts of harvest.
Assam—(Jan. 21st)		
Gauhati	46	Weather cool and chilly; reaping of <i>sali</i> crop completed; prospects of other crops favourable.
Sylhet	05	Prospects still good.
	Heavy rain last night.	
Cachar	Nil	Weather cold; no rice crops on the ground; outturn good; common rice at 13 ⁵ / ₈ seers a rupee; public health good.
Dibrugarh	65	Ploughing for <i>asu</i> crops going on; cloudy, damp weather; district healthy.
Mysore and Coorg—(Jan. 21st)		
Bangalore	Paddy and sugarcane being harvested; standing crops in good condition; prospects favourable; fever prevalent in some places, otherwise health good; prices continue to fall.
Mysore	} No report received.
Mercara	
Berar & Hyderabad—(Jan. 21st)		
Amraoti	<i>Rabi</i> crops favourable; cotton below average.
Akola	<i>Rabi</i> crops promising well.
Hyderabad	<i>Rabi</i> sowing progressing in some and finished in other places; no sickness.
Central India States—(Jan. 21st)		
Indore	Health and prospects good.
Morar (Gwalior)	Sky cloudy.
Satna	Prospects good; <i>jowar</i> 20 seers.
Rutlam	Prospects and public health good.
Neemuch	Health and crops good.
Goona	Crops and health good; wheat 14 seers.
Bhopal	Public health good.
Agar	Health good; prospects favourable.
Nowgong	Public health still suffering from fever; general prospects good.
Mánpur	Weather fine; wheat, gram and opium crops good.
Rajputana—		
Abu	No report received.
Sirohee (Jan. 11th)	Wells full; tanks drying; malarious fever declining; crops fair; much warmer.
Marwar (.. 10th)	Wells almost full; a month's water in tanks; health good; crops excellent; seasonable.
Meywar	No report received.
Harowtee (Jan. 17th)	Cloudy and close; health and prospects good.
Jhallawar	Cloudy; prospects excellent.
Ajmere (Jan. 21st)	Cloudy; prospects and health good.
Jeypore	} No report received.
Blurtipore	
Uluwar (Jan. 20th)	Prospects good; health improving.

C. BERNARD,

Offg. Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 5. } CALCUTTA, SATURDAY, JANUARY 31, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 5.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Fort William, the 24th January, 1880.

No. 5.—His Excellency the Viceroy and Governor General, under the authority vested in him by 24 & 25 Vic., cap. 67, section 10, has been pleased to nominate His Highness Ragbir Singh, G.C.S.I., C.I.E., Rájá of Jheend, to be an Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

No. 6.—His Excellency the Viceroy and Governor General, under the authority vested in him by 24 & 25 Vic., cap. 67, section 10, has been pleased to nominate H. J. Reynolds, Esquire, Secretary to the Government of Bengal, to be an Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Fort William, the 26th January 1880.

No. 41.—The services of Mr. H. F. Bartlett, C.S., Assistant Commissioner in the Central Provinces, are placed at the disposal of the Government of the North-Western Provinces and Oudh.

JUDICIAL.

The 28th January 1880.

No. 108.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (the Scheduled Districts Act) the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend the provisions of Act IX (B. C.) of 1879 (The Court of Ward's Act) to the Districts of Sylhet, Cachar and Goalpara.

The 30th January 1880.

No. 113.—Consequent on, and with effect from the date of, the retirement of Mr. C. Lindsay,

Judge of the Chief Court of the Punjab, the Governor General in Council is pleased to make the following appointments, namely:—

Mr. J. W. Smyth, Officiating Judge, to be Judge of the Chief Court of the Punjab;

Mr. A. Brandreth, Commissioner of the Jullunder Division, to officiate as Judge of the Chief Court.

ECCLESIASTICAL.

The 28th January 1880.

No. 23.—APPOINTMENT.—The Reverend M. Lamert, B.A., Junior Chaplain on the Bengal Ecclesiastical Establishment, to be Senior Chaplain, with effect from the 12th November 1879.

The 29th January 1880.

No. 25.—The services of the Reverend Percy Nicolas, M.A., Chaplain of Gauhati and Shillong, are placed at the disposal of the Government of Bengal, with effect from the date on which he may have made over charge of his duties.

PATENTS.

The 29th January 1880.

No. 32.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department at the Presidency, to public inspection upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 39 of 1879.—C. E. Blechynden, at present resident of No. 6, Meira Street, in the Town of Calcutta, for the preparation of rhea fibre.

No. 43 of 1879.—William Eppelsheimer, of No. 2, Copthall Buildings, Angel Court, in the City of London, England, for improvements in apparatus employed in the propulsion of tramway cars by means of ropes or bands.

No. 65 of 1879.—Hamilton Lindsay Bucknall, through his attorneys, Messrs. William Henry Bushby and Edward William Bald, of Bombay, Merchants, trading under the style or firm of J. C. Bushby and Company, for improvements in sleepers for railways.

No. 69 of 1879.—Algernan Edwin Abbott, Running Engine Foreman, G. I. P. Railway, Bhussawal, and Thomas Brammer, Engine-driver, G. I. P. Railway, Bhussawal, for preventing fires to railway trains caused through sparks from locomotive engines.

No. 74 of 1879.—Thomas Quinlivan, Engineer, living in Rangoon, Burma, for the purpose of ploughing paddy fields.

No. 79 of 1879.—Robert Skene, Ice Manufacturer, of Nos. 61 and 62, High Street, Bloomsbury, London, England, for improvements in the machinery or apparatus for the manufacture of transparent ice.

No. 84 of 1879.—John Henry Pepper, lately Professor of Chemistry, &c., at the Royal Polytechnic Institution, London, England, but now residing at Sydney, in the Colony of New South Wales, for improvements in apparatus for producing optical illusions.

No. 85 of 1879.—Robert Chapman Anderson, of Woodgreen, in the County of Middlesex, England, for improvements in galvanic batteries.

No. 87 of 1879.—Paul André Arthur Marie Auguste Favier, of Paris, France, for improvements in the process for extracting the fibres from textile plants, and especially from *Urtica utilis*.

FORESTS.

The 27th January 1880.

No. 66 F.—Mr. H. G. Young, Officiating Sub-Assistant Conservator of Forests in Assam, is confirmed in his appointment, with effect from the 1st November 1879.

C. BERNARD,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Fort William, the 28th January 1880.

No. 31 I.-J.—With reference to the rules published by Foreign Department Notification No. 235 I.-J., dated 27th August 1879, the Governor-General in Council is hereby pleased to direct that in rule 8 thereof after the words "Court of Small Causes," the words "under Act No. XI of 1865 (an Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil Jurisdiction of the High Courts of Judicature)" shall be added; and that in the same rule to the first paragraph the following words shall be added, *viz.*, "all the provisions of the said Act No. XI of 1865 shall, so far as they are consistent herewith, apply to the Court of any Subordinate Judge or Munsiff when exercising the jurisdiction with which he is so invested."

MILITARY.

The 28th January 1880.

No. 3 G.-M.—The following promotions in the Bhopal Battalion are made, with effect from the 1st November 1879:—

Jemadar Heawul Singh, to be Subedar, *vice* Subedar Hoolas, transferred to the Pension Establishment.

Havildar Rajkoowur Singh, to be Jemadar, *vice* Jemadar Heawul Singh, promoted.

POLITICAL.

The 28th January 1880.

No. 21 G.-P.—With reference to Notification No. 1190 G.-P., dated 18th June 1879, Mr. Max Denso, Consul for the German Empire at Karachi, resumed charge of his duties on the 28th November 1879.

No. 23 G.-P.—With reference to Notification No. 1193 G.-P., dated 18th June 1879, Mr. Max Denso, Consul for the Netherlands at Karachi, resumed charge of his duties on the 28th November 1879.

The 30th January 1880.

No. 25 G.-P.—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor-General in Council is pleased to recognize the appointment of Mr. Cowasjee Dinshaw as Acting Consul for Portugal at Aden during the absence of Mr. Dorabjee Dinshaw.

No. 27 G.-P.—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor-General in Council is pleased to recognize the appointment of Mr. Cowasjee Dinshaw as Acting Vice-Consul for Spain at Aden during the absence of Mr. Dorabjee Dinshaw.

The 30th January 1880.

No. 108 I.-P.—With reference to Foreign Department Notification No. 1756 I.-P., dated 18th December 1879, republishing for general information the "Treaty of Commerce and Extradition between Her Majesty and the King of Portugal and the Algarves with reference to their Indian possessions," the following separate Convention, under Article XIX of the said Treaty, is hereby published for general information:—

Whereas by the nineteenth article of a Treaty dated the twenty-sixth day of December 1878, and ratified on the sixth day of August 1879, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves, it is provided that the high contracting parties engage to deliver up to each other those persons who, being accused or convicted of crimes committed in the Indian dominions or jurisdiction of the one party, shall be found in the Indian dominions or jurisdiction of the other party, and whereas by the same article it is further provided that the circumstances and conditions under which, and the crimes for which such persons are to be delivered up, shall form the subject of a separate Convention between the Governors-General of British India and Portuguese India, to be executed at the earliest date possible after the ratification of the said Treaty.

In pursuance of the said article, the undersigned Governors-General of British India and Portuguese India acting respectively on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves (hereinafter called the high contracting parties), have agreed that the said persons shall be so delivered up under the circumstances, and subject to the exceptions, hereinafter stated, namely:—

(a) When the crime for which extradition is claimed has been committed beyond the dominions of the party claiming, the requisition shall also be complied with, if the laws of the party applied to authorize a prosecution for such crime when committed beyond his dominions, and if the person claimed is a subject of the party claiming his extradition.

The 29th January 1880.

No. 415 E.-P.—The following Notification is published in substitution of Foreign Department Notification No. 2779 E.-P., dated 19th December 1879, which is hereby cancelled:—

In exercise of the power conferred by Sections 4 and 8 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879,) and of all other powers enabling him in this behalf, the Governor-General in Council, with the assent of His Highness the Khan of Kelat, is pleased to make the following amendments in the Foreign Department Notifications No. 1365 P. and No. 1366 P., dated the 4th July 1878, that is to say:—

- (a) In the former Notification, for the words "the Cantonments of Quetta and Mittri," the words "the District of Quetta and Cantonment of Mittri" shall be substituted.
- (b) In the latter Notification, for the words "First Assistant to the Agent to the Governor-General in Biluchistan," the words "Assistant to the Agent to the Governor-General in charge of the District of Quetta" shall be substituted, and for the words "the Cantonment of Quetta," the words "the District of Quetta" shall be substituted.

Como pelo Artigo dezenove do Tratado datado de vinte e seis de Dezembro de 1878, e ratificado no dia seis de Agosto de 1879, entre Sua Magestade a Rainha do Reino Unido da Grã Bretanha e Irlanda, Imperatriz da India, e Sua Magestade Fidelissima El-Rei de Portugal de dos Algarves, está estipulado que as Altas Partes Contractantes se obrigam a entregar uma á outra os individuos, que sendo accusados e convictos de crimes commettidos nos dominios da India, ou na jurisdicção d'uma das Partes, forem encontrados nos dominios da India ou na jurisdicção da outra Parte; e pelo mesmo artigo está também estipulado que as circumstancias e condições sob as quaes, e os crimes pelos quaes, taes individuos devem ser entregues, formarão o assumpto de uma convenção separada entre os Governadores Geraes da India Britannica e da India Portugueza, para ser posta em execução com toda a brevidade possível, logo depois da ratificação do dito Tratado.

Em conformidade com o dito artigo os abaixo assignados Governadores Geraes da India Britannica e da India Portugueza como representantes, respectivamente, da parte de Sua Magestade a Rainha do Reino Unido de Grã Bretanha e Irlanda, Imperatriz da India, e de Sua Magestade Fidelissima El-Rei de Portugal e dos Algarves (daqui por diante intitulados as Altas Partes Contractantes), concordam que os ditos individuos sejam entregues sob as circumstancias e sujeitos ás excepções seguintes:—

(a) Quando o crime que servir de fundamento á extradicação houver sido committido fora dos dominios da parte reclamante, attender-se-ha também á instancia, se a legislação da parte a quem tiver sido dirigido auctorizar o processo por esse crime, quando commettido fora dos seus dominios, e se o individuo reclamado fôr suldito da parte reclamante.

(b) The crimes for which the extradition shall be granted are the following :—

(b) Conceder-se-ha a extradição pelos seguintes crimes :—

BRITISH INDIAN PENAL CODE.		PORTUGUESE PENAL CODE.	
Crime.	Section.	Crime.	Article.
Murder, culpable homicide not amounting to murder, and causing death by rash or negligent act	299 to 304 A	Voluntary homicide, including—	349
		Parricide	355
		Poisoning	353
		Infanticide	356
		And involuntary homicide caused by negligence	368
Attempt to commit murder or culpable homicide	307, 308, 511	Attempt at homicide	350; 6 to 11
Voluntarily causing hurt or grievous hurt	319 to 333 335 and 338	Wounding, causing contusions or hurts	359 to 367, 369
		Ordinary hurts under Articles 359 and 360 being excepted in the circumstances described in Articles 370, 377, and 378.	
Rape	375 and 376	Rape	394, 395 to 397
Kidnapping, abduction, concealing kidnapped person, slave-dealing, or selling minors for immoral purposes	360 to 373	Kidnapping and hiding of minors	342 to 344
Immoral assault on a woman	354		
Causing miscarriage and abortion	312 to 316	Immoral assault on a woman	391
Exposure or abandonment of a child	317	Abortion	358
Thefts	378 to 382	Exposure or abandonment of a child	345 to 348
Extortions, robberies, "dacoities," attempts to commit robbery, and belonging to a gang of thieves	383 to 402	Thefts	421; 424 to 431
Criminal misappropriations and criminal breaches of trust	403 to 409	Robbery	432 to 444
Receiving stolen property	410 to 414		
Cheating	415 to 420	Theft	313; 422 to 425
Lurking, house-trespass, house-breaking	443 to 446	Receiving stolen property	453
Fraudulent bankruptcy and fraudulent disposition of property	206 to 208, 421 to 424	Cheating: false pretences	463
		House-breaking	450 to 452; 456
Dishonest opening of closed receptacle containing property	461 and 462	Fraudulent bankruptcy and fraudulent disposition of property	380, Clause 1
Being a "thug"	310, 311		447 to 449; 455
Belonging to a band of "dacoits" or robbers	400, 401	Dishonest opening or breaking of seals by public servants and others	310 to 312
Aggravated cases of wrongful confinement	344 to 348	Association of malefactors	263
Mischief by fire or explosive substance	435, 436 and 438	Aggravated cases of wrongful confinement	331 to 333
Mischief to a vessel, or after preparation to cause death, hurt, or wrongful restraint	437, 439, 440	Arson	406 to 474
Counterfeiting or altering money, or uttering counterfeit or altered money, making or possessing instruments for above purposes	230 to 254	Aggravated cases of mischief	475 and 481
		Counterfeiting or altering money, or uttering counterfeit or altered money, making or possessing instrument for above purposes	206 to 214
Counterfeiting or fraudulent using of Government stamps issued for purposes of revenue	255 to 263	Counterfeit or fraudulent using of Government stamps or stamped papers	228 and 229
Forgery and using of forged documents, and making of seals for fraudulent purposes	463 to 468; 470 to 477	Forgery and using of forged documents, and making of seals for fraudulent purposes	215 to 217; 219 to 223; 230 and 231
Use of false trade-mark or property-mark, and frauds connected with such marks	478 to 489	Use of false trade-mark or property-mark, and frauds connected with such marks	230 and 231
Giving or fabricating false evidence to cause a person to be convicted of an offence, and subornation of the same	194 and 195	Giving or fabricating false evidence to cause a person to be convicted of an offence, and subornation of the same	238 to 240
Illegal gratification taken by a public servant, or to influence a public servant	161 to 165	Illegal gratification taken by a public servant, or to influence a public servant	314 to 323; 452
Causing the evidence of the commission of any offence to disappear	201	Causing the evidence of commission of an offence mentioned in this Article to disappear	464
False certificate or declaration made by public servant, or used by any person as evidence	197 to 200	False certificate or declaration made by public servants, or used by any person as evidence	216 to 218; 221 and 222
Escape from lawful custody on accusation or conviction of any crime specified in this Article	224	Escape from lawful custody on accusation or conviction of any crime specified in this Article	190 to 196
<i>Crimes against other Laws.</i>		<i>Portuguese Maritime Code.</i>	
Piracy by law of nations.		Loss or destruction of vessel, caused by a person on board	42
Assaults on board a ship on the high seas, with intent to destroy life, or to do grievous bodily harm.		Act of revolt committed by more than third of crew	46
Sinking or destroying a vessel at sea, or attempting or conspiring to do so.			
Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master.			

Codigo Penal de India Britannica.		Codigo Penal Pourtuguez.	
Crimes.	Secção.	Crimes.	Artigos.
Assassinato, homicidio culposo não chegando á assassinato, e causando a morte por um acto imprudente ou negligente	299 a 304A	Homicidio voluntario, incluindo—	849
		Parricidio	855
		Envenenamento	853
		Infanticidio	356
		Homicidio involuntario causado por negligencia, &c.	368
Tentativa de assassinato ou homicidio culposo	307, 308, 511	Tentativa de homicidio	350; 6 a 11
Offensas corporaes, com ou sem gravidade ...	319 a 333	Ferimentos, offensas corporaes	359 a 367, 369
	335 e 338	As offensas corporaes nos termos dos Artigos 359 e 360, são exceptuadas nas circumstancias previstas nos Artigos 370, 377, e 378.	
Violação	375 e 376	Violação	394, 395 a 397
Subtracção de pessoas, occultação de pessoas subtraídas, escravatura ou venda de menores para fins immoraes	360 a 373	Subtracção e occultação dos menores	342 a 344
Attentado contra o pudor com violencia ...	354		
Aborto	312 a 316	Attentado contra o pudor com violencia ...	391
Exposição e abandono de infantes	317	Aborto	358
Furto	378 a 382	Abandono e exposição de infantes	345 a 348
Extorsões, roubos, "dacoities," tentativa de roubo, fazer parte de uma quadrilha de ladroes	383 a 402	Furto	421; 424 a 431
Apropriação criminosa de coisa alheia, abuso de confiança	403 a 409	Roubo	432 a 444
Receptação de objectos furtados	410 a 414		
Fraudes	415 a 420	Furto, peculato, abuso de confiança	313; 422; a 425; 453
Introdução occulta ou por violencia em casa alheia	443 a 446	Receptação de objectos furtados	463
Quebra fraudulenta, disposição fraudulenta de valores	206, 208	Burla, abuso de confiança	450 a 452; 456
	421 a 424	Introdução em casa alheia	380, § 1
Arrombamento objectos fechados contendo valores	461 e 462	Quebra fraudulenta, simulação	447 a 849; 455
Ser "thug" ou fazer parte de uma quadrilha de ladroes ou saltadores	310, 311, 400, 401		
Violencia contra a liberdade individual ...	314 a 318	Rompimento de sellos por impregado publico ou outros	310 a 312
Damno causado pelo fogo ou materias explosivas	435, 436, 438	Associação de malfetores	263
Damno causado a um navio ou designios com principio de execução tendentes a produzir morte, ferimento, ou injusta coação	437, 439, 440		
Fabrico de moeda falsa ou alteração da moeda legal, introdução na circulação ou emissão de moeda falsa ou alterada, fabrico, posse ou uso de instrumentos destinados a fazer moeda falsa ou alterada	230 a 254	Violencia contra a liberdade individual ...	331 a 333
Falsificação ou uso fraudulento de papel sellado, e sellos, cunhos ou marcas do Governo	255 a 263	Fogo posto	466 a 474
		Damnos	575 e 481
Falsificação e uso de documentos falsos e fabrico de sellos com fim fraudulento	463 a 468; 470 a 477	Fabrico de moeda falsa ou adulteração da moeda legal, introdução na circulação ou emissão de moeda falsa, fabrico ou uso de instrumentos destinados a fazer moeda falsa	206 a 214
		Falsificação de sellos, cunhos, ou marcas de alguma autoridade ou repartição publica. Falsificação de papel sellado e introdução d'elle falso	228 e 229
Uso de marcas de fabrico ou de propriedade e fraudes que lhe são respectivas	478 a 489	Falsificação e uso de documentos falsos, e fabrico de sellos com fim fraudulento ...	215 a 217; 219 a 223 230 e 231
Falso testemunho dado ou forjado contra alguém com animo de o fazer considerar réu d'um crime, e suborno para o mesmo fim	194 e 195	Uso de marcas falsas de fabrico de propriedade e fraudes que lhe são respectivas ...	230 e 231
Gratificações ou interesses recebidos illegalmente por empregado publico ou para suborno de empregados publicos	161 a 165	Falso testemunho e suborno dado para este fim	238 a 240
Occultação ou inutilização das provas de qualquer crime	201		
Certidões ou declarações falsas feitas por empregado publico ou por alguém usadas como prova	197 a 200	Concussão, peita, corrupção e suborno de empregados publicos	314 a 323; 452
Evasão de custodia legal por accusação ou condemnação por crime especificado n'este Artigo	224	Occultação ou inutilização dos objectos que constituem o corpo de delicto ou dos instrumentos do crime	464
<i>Crimes contra outras Leis.</i>		Certidões ou declarações falsas feitas por empregados publicos ou por alguém usadas como prova	216 a 218; 221 e 222
Pirataria segundo o direito internacional.		Evasão de custodia legal por accusação ou condemnação por crime especificado n'este Artigo	190 e 196
Assalto á bordo de um navio no mar alto com animo de destruir viduas ou causar grave prejuizo corporal.		Pirataria	162
O motivar a perda ou destruição d'um navio no mar, a tentativa ou machinações com o mesmo fim.		Homicidio voluntario, &c.	349, 353, 855, 356
Revolta ou machinações para revolta entre duos ou mais pessoas á bordo d'um navio no mar alto contra a autoridade de capitão.		<i>Codigo Penal e Disciplinar de Marinha Mercante Portuguesa.</i>	
		Perda ou destruição de navio deliberadamente motivada por individuo nelle embarcado...	42
		Todo o acto de rebellião commettido por mais de um terço da equipagem	46

The extradition shall also take place for complicity or participation in any of the aforesaid crimes, and for any attempt to commit any such crime, provided such complicity, participation, or punishable by the laws of both the contracting Parties.

A extradição terá logar tambem pela cumplicidade ou participação em qualquer dos supramencionados crimes, ou pela tentativa d'esses crimes, quando a cumplicidade participação ou tentativa for punida pela legislação das duas Altas Partes Contractantes.

(c) No British subject by birth or naturalization shall be delivered up by the Government or authorities of British India to the Government or authorities of Portuguese India; and, in like manner, no Portuguese subject by birth or naturalization shall be delivered up by the Government or authorities of Portuguese India to the Government or authorities of British India. Naturalization after the commission of the crime shall not be an obstacle to the extradition.

(d) The Governor-General of British India will, from time to time, communicate to the Governor-General of Portuguese India a list of Native States which, with the subjects thereof, are entitled to be placed, for the purposes of this Convention, upon the same footing as British India and the subjects of Her Britannic Majesty.

(e) The extradition shall not take place if the person claimed has already been tried and acquitted, or punished, for the same crime for which extradition is asked. If he should be under trial for any other crime, his extradition shall be deferred until the conclusion of the trial; and if the execution of the sentence, if any, would interfere with the extradition, it shall be postponed, in order that the extradition may take place. If upon extradition he be sentenced to other further punishment, the two High Contracting Parties shall arrange that the punishments shall be fulfilled according to priority of date of sentence.

(f) The extradition shall not take place if, after the commission of the crime, or the institution of the prosecution, or the conviction thereon, the person claimed shall have acquired exemption from prosecution, or punishment, by lapse of time, according to the laws of the State applied to.

(g) A person surrendered shall not be kept in prison, or brought to trial by the party to whom the surrender is made, for any other crime, or on account of any other matters than those for which the surrender has been granted. This stipulation is not applicable to crimes committed after the extradition.

(h) If the person whose extradition is claimed by one of the High Contracting Parties shall be also claimed by one or more other Governments, on account of crimes committed in their respective dominions, the following rule shall be observed:—

If he is a subject of the High Contracting Party who claims him, the surrender shall be made to such party. If he is not so, the other High Contracting Party shall have the power of delivering him up to the reclaiming Government which, in the case in question, may appear to the former best entitled to the preference.

(i) The requisition for extradition may be made, on behalf of Her Britannic Majesty, by the Government of British India or by the Government of the Presidency of Bombay; and, on behalf of His Most Faithful Majesty, by the Government of Portuguese India:

Provided that when the person claimed is accused of any of the above crimes, which in British India is not exclusively triable by the High Court or the Court of Session, the requisition may also be made by the Governors of the Portuguese Settlements of Damão and Diu, for any such crime committed in such Settlements respectively, and may be preferred directly to any District Magistrate or Political Agent within whose local jurisdiction such accused person may be found. Such District Magistrate or Political Agent shall, subject to the exceptions and conditions of this Convention, and unless

(c) Nenhum subdito Britannico por nascimento ou por naturalisação será entregue pelo Governo ou auctoridades da India Britannica ao Governo ou auctoridades da India Portuguesa; e do mesmo modo nenhum subdito Portuguez por nascimento ou naturalisação será entregue pelo Governo ou auctoridades da India Portuguesa ao Governo ou auctoridades da India Britannica. A naturalização posterior á perpetração do crime não obstará á extradição.

(d) O Governador-Geral da India Britannica communicará de tempo a tempo ao Governador-Geral da India Portuguesa uma relação dos Estados Nativos que, com os seus respectivos subditos, devem ficar collocados para os fins d'esta Convenção nas mesmas condições que a India Britannica e os subditos da Sua Magestade Britannica.

(e) Não terá logar a extradição se o individuo reclamado já tiver sido processado, absolvido, ou condemnado pelo mesmo crime pelo qual se pede a extradição. Se estiver processado por outro crime, será a extradição differida até que o processo esteja ultimado; e se a execução da sentença, se a houver, impedir a extradição, será addiada a fim de que a extradição possa realizar-se. Se em consequencia da extradição for condemnado a outra pena, as duas Altas Partes Contractantes providenciarão para que as penas sejam cumpridas segundo a prioridade da data da sentença.

(f) A extradição não terá logar quando depois de commettido o crime, ou de instaurada a acção, ou da condemnação, o individuo reclamado estiver izento da acção criminal ou da pena pela prescripção na conformidade da legislação do Estado a que é pedida a extradição.

(g) O individuo entregue não será detido na prisão, nem processado pela parte a quem foi feita a entrega, por quaesquer crimes ou motivos diversos dos que serviram de fundamento á extradição. Esta disposição não é applicavel aos crimes perpetrados depois da extradição.

(h) Se o individuo cuja extradição é pedida por uma das Altas Partes Contractantes fôr igualmente reclamado por outro ou outros Governos, em consequencia de crimes perpetrados nos seus respectivos dominios, observar-se-ha o seguinte:—

Se fôr subdito da Alta Parte Contractante que o reclamar, a extradição será feita a essa Parte. Se o não fôr a outra Alta Parte Contractante terá a faculdade de o entregar ao Governo reclamante, que no caso em questão lhe pareça com mais direito á ser preferido.

(i) A reclamação de extradição poderá ser feita por parte de Sua Magestade Britannica pelo Governo da India Britannica, ou pelo Governo da Presidencia de Bombaim, e por parte de Sua Magestade Fidelissima pelo Governo da India Portuguesa.

Fica entendido que, quando o individuo reclamado fôr accusado de qualquer dos supramencionados crimes cujo julgamento não seja da exclusiva competencia da *High Court* ou da *Court of Session*, a reclamação poderá igualmente ser feita pelos Governadores dos estabelecimentos Portuguezes de Damão e Diu, em razão d'esses crimes perpetrados respectivamente n'aquelles estabelecimentos; e poderá ser enviada directamente a qualquer Magistrado Districtal, ou Agente Politico, dentro de cuja jurisdicção o individuo accusado se achar. O Magistrado Districtal, ou Agente Politico iustado, deferirá a esse pedido, entre-

he deem reference to higher authority to be absolutely necessary, comply with such requisition by delivering up the accused.

In like manner, any District Magistrate or Political Agent may make requisition to the Government of Portuguese India, or to the Governors of Damaun and Diu respectively, for the extradition of any person found in their jurisdiction who is accused of the commission, within the local jurisdiction of such District Magistrate or Political Agent, of any of the above crimes, the maximum punishment for which, by the Portuguese Penal Code, does not exceed imprisonment for seven years or an equivalent thereto. Subject to the exceptions and conditions of this Convention, such requisition shall be complied with by the delivering up of the accused, unless reference to higher authority shall be deemed absolutely necessary.

The authority receiving a requisition may hold, or cause to be held, such inquiry as he may deem sufficient for the purpose of ascertaining the existence of *prima facie* proof of facts which constitute a crime for which extradition may be granted under clause (b) of this Convention, and, in the absence of such proof, may decline to deliver up the accused person.

(j) Every requisition shall ordinarily be accompanied by the summons or warrant of arrest, or an authenticated copy thereof, issued by the competent authority of the State applying for it, and by a statement setting forth the facts of the offence, and sufficient particulars to enable the accused to be identified.

In cases of urgency, satisfactory proof of the existence of a warrant of arrest issued by competent authority may be provisionally accepted in support of a requisition.

(k) If the person claimed has not already been arrested by the authorities of the State to whom the requisition is made, such authorities shall at once proceed to secure his appearance.

(l) Any person accused of any of the above crimes, and whether a subject of the party in whose dominions or jurisdiction he is found or otherwise, may be arrested by the authorities of such dominions:—

On production of a warrant of arrest issued by the competent authority of the other party;

Or on advice, from such competent authority, transmitted by post, telegraph, or other means, stating the existence of such warrant of arrest;

Or on demand made by the Magistrate or police officer of the other party who has pursued the accused across the frontier;

Or on receipt of advice of the fact of the crime, whether communicated by a private complainant or otherwise, and whether or not the individual offender may be known or specified by name.

(m) Every such Magistrate or police officer who has pursued the accused across the frontier shall be entitled to the protection and assistance of the Magistrates and police officers of the State to whose dominions or jurisdiction the accused has fled. They shall forthwith take up the pursuit, and, without waiting for the orders of higher authority, shall make all necessary searches, inquiries, pursuits, arrests, and recoveries of stolen property, in accordance with the local law of criminal procedure.

gando o accusado, salvo as excepções e condições d'esta Convenção, e a menos que julgue, absolutamente necessario submeter o caso á auctoridade superior.

Qualquer Magistrado Districtal, ou Agente Politico, pode igualmente reclamar do Governo da India Portuguesa, ou dos Governadores de Damão e Diu respectivamente, a extradição de qualquer individuo que se achar dentro da sua jurisdição, accusado de haver commettido dentro da jurisdição local d'esse Magistrado Districtal, ou Agente Politico, qualquer dos supramencionados crimes cuja maxima pena, pelo Codigo Penal Portuguez, não exceda a prisão por sete annos, ou o equivalente. Sujeita ás excepções e condições d'esta Convenção, essa reclamação será satisfeita entregando o accusado, salvo de julgar absolutamente necessario submeter o caso á auctoridade superior.

A auctoridade que receber a reclamação poderá proceder, ou mandar que se proceda, á investigação que julgar sufficiente para verificar a existencia de prova *prima facie* de factos que constituem crime, pelo qual a extradição pode ser concedida segundo a clausula (b) d'esta Convenção, e na ausencia d'essa prova pode recusar a entrega do individuo accusado.

(j) As reclamações serão ordinariamente acompanhadas das citações ou mandados de prisão, ou copia authenticca d'elles, expedidos pela auctoridade competente do Estado reclamante; e por uma declaração dos factos incriminados, e sufficientes informações para que se possa reconhecer a identidade do accusado.

Em casos urgentes, a prova sufficient eda existencia de um mandado de prisão expedido pela auctoridade competente poderá servir provisoriamente para fundamentar a reclamação.

(k) Se o individuo reclamado não houver ainda sido preso pelas auctoridades do Estado a quem fôr feita a reclamação essas auctoridades tratarão immediatamente de assegurar a comparencia do individuo reclamado.

(l) Qualquer individuo accusado de algum dos supramencionados crimes, quer seja ou não subdito da Parte em cujo dominio ou jurisdição fôr encontrado, pode ser preso pelas auctoridades d'esses dominios:—

Mediante a apresentação do mandado de prisão emanado da auctoridade competente da outra Parte; ou

Mediante a comunicação d'essa auctoridade competente, transmittida pelo correio, telegrapho, ou por outro meio, que affirme a existencia do mandado da prisão; ou

A requisição do Magistrado ou empregado de policia da outra Parte que tenha perseguido alem da fronteira o individuo accusado; ou

Havendo recebido conhecimento do facto criminoso communicado, quer por um queixoso particular, quer de outro modo; seja ou não o delinquente conhecido ou designado pelo nome.

(m) Qualquer Magistrado ou empregado de policia que tenha perseguido o accusado alem da fronteira terá direito á protecção e auxilio dos Magistrados e empregados policiaes do Estado para cujos dominios ou jurisdição o accusado fugio. Estes proseguirão sem demora na diligencia; e, sem esperar as ordens da auctoridade superior, farão todas as necessarias buscas, pesquisas, diligencias, arrestos, e apoderar-se-hão da propriedade roubada, em conformidade com a legislação local sobre procedimentos criminaes.

The Magistrate or police officer who has pursued the accused across the frontier shall not enter houses or buildings or make searches or arrests, except in presence or under the authority of a local Magistrate or police officer, but shall act in subordination to the local Magistrates or police officers, and shall assist them, if so required, in all necessary searches, inquiries, pursuits, arrests, and recoveries of stolen property.

(n) Whenever any person is arrested in the dominions or jurisdiction of the one party for any of the above crimes committed in the dominions or jurisdiction of the other party, notice shall be given to the authorities of the other party, who may then, if the accused is a subject of the State where he is found, claim that he be tried there; or if he is not such a subject, claim his extradition as provided in this Convention.

(o) All weapons and articles necessary as evidence shall be seized in order to their production before the proper officer, and in case of extradition, in order that they may be delivered up with the accused when the extradition shall take place.

Such seizure and delivery shall extend to articles stolen or obtained by other offences and the proceeds of such property and to everything that may serve as evidence of the crime; and shall be made even when the extradition cannot be made, or the trial cannot be held, on account of the flight or death of the accused.

Nothing in this clause shall affect the rights of third parties to any such weapons and articles.

(p) The expenses occasioned by the arrest, imprisonment, maintenance, and transport of criminals, and the conveyance of articles, shall, within the dominions and as far as the frontier, be defrayed by the party in whose dominions or jurisdictions such criminals or articles are found; the expenses by sea and beyond the frontier shall be defrayed by the other party.

(q) A British subject accused of having committed any of the above crimes in the Portuguese Indian dominions or jurisdiction may be dealt with by the British Indian authorities as if the crime had been committed in British India; and a Portuguese subject accused of having committed any of the above crimes in the British Indian dominions or jurisdiction may be dealt with by the Portuguese Indian authorities as if the crime had been committed in Portuguese India:

Provided that the accused is found in the dominions or jurisdiction of the party to whom he is subject, and has not been acquitted or punished in the dominions or jurisdiction in which he committed the crime.

Complaints of any such crimes shall be inquired into by the police and judicial authorities irrespective of the nationality of the complainant, in accordance with the local laws.

(r) In all such trials and enquiries, the evidence of witnesses whose attendance cannot be procured without an unreasonable amount of delay, expense, or inconvenience, may be recorded by the judicial authorities of the State where the offence occurred, on receipt of an interrogatory Commission from the other State, and such depositions or certified copies thereof shall be received by the authorities of the other State as valid evidence: Provided that the authorities of the one State shall in all cases aid those of the other, as far as may be, in securing the personal attendance of witnesses, and reasonable time shall be allowed for the production

O Magistrado ou empregado de policia que houver perseguido o individuo alem da fronteira não entrará em casa ou edificio algum nem fará buscas ou arrestos, salvo na presença ou sob a auctoridade do Magistrado local ou empregado de policia; mas procederá subordinado aos Magistrados locais ou empregados de policia, e auxilia-os-ha, se fôr requerido, em todas as necessarias buscas, pesquisas, diligencias, arrestos, e para recuperar a propriedade roubada.

(n) Quando algum individuo fôr preso nos dominios ou jurisdicção de uma das Partes por qualquer dos supramencionados crimes commettidos nos dominios ou jurisdicção da outra, dar-se-ha conhecimento ás auctoridades d'esta ultima Parte, que poderá então, se o accusado, fôr subdito do Estado onde fôr encontrado, reclamar que elle seja ali processado, ou se elle não fôr subdito d'esse Estado, reclamar a sua extradicação, como fica determinado n'este Artigo.

(o) Qualquer instrumento ou objecto que possa servir de prova será apprehendido a fim de ser apresentado á auctoridade competente, e no caso, de extradicação, a fim de ser entregue com o criminoso, quando a extradicação, se effectuar.

A apprehensão e a entrega comprehenderá os objectos roubados, ou os obtidos por outro crime, o producto d'esses objectos, e tudo que possa servir de prova do crime; e terá logar mesmo quando a extradicação não poder effectuar-se, ou o processo não poder seguir, por causa da fuga ou morte do accusado.

Ficam salvos os direitos de terceiros aos instrumentos e objectos supramencionados.

(p) As despesas feitas com a apprehensão, prisão, sustento e condução dos criminosos, e com o transporte dos objectos mencionados até á fronteira, serão por conta do Estado em cujo dominio ou jurisdicção o criminoso ou os objectos forem encontrados; as despesas com o transporte por mar e alem da fronteira ficarão por conta do Estado reclamante.

(q) O subdito Britannico que fôr accusado de ter commetido algum dos supramencionados crimes nos dominios ou jurisdicção Portuguesa na India poderá ser perseguido pelas auctoridades Britannicas na India, como se o crime houvesse sido commettido na India-Britannica; e o subdito Portuguez accusado de ter commetido algum dos supramencionados crimes nos dominios e jurisdicção Britannica na India poderá ser perseguido pelas auctoridades Portuguezas; côm tanto que o accusado seja encontrado nos dominios ou jurisdicção do Estado de que fôr subdito e não haja sido absolvido ou punido nos dominios ou jurisdicção em que commetteo o crime. Da participação e queixas de taes criminosos tomarão conhecimento as auctoridades de policia e judiciaes, independentemente da nacionalidade do quixoso, e na conformidade da legislação local.

(r) Em todas as causas crimes, e nas investigações dos crimes, os depoimentos das testemunhas, cuja comparencia não poder realisar-se sem excessiva demora, despesas ou difficuldades, poderão ser tomados pelas auctoridades judicias do Estado onde o crime houver sido commettido, em vista de carta rogatoria de inquirição expedida do outro Estado, e esses depoimentos ou as respectivas certidões serão reconhecidas como validas pelas auctoridades do outro Estado; devendo as auctoridades de um Estado auxiliar em todos os casos, e tanto quanto seja possível, as da outra para obterem a comparencia das testemunhas; e sendo

of evidence before the final discharge or conviction of the accused.

(s) If, within two months after receipt of notice of the arrest, no requisition for extradition or complaint or application for a trial shall have been made, the accused may be set at liberty. He shall be set at liberty if, within one month of the day on which he was brought to the frontier or seaport, and there placed at the disposal of the party claiming, he shall not have been despatched to the dominions of such party.

Provided that until the extradition takes place the accused may be liberated on bail or recognizance where such procedure is allowed by the law of the dominions or jurisdiction where he is found; and that after the extradition the procedure shall be that provided by the law of the other dominions or jurisdiction.

(t) The High Contracting Parties engage to aid each other in the apprehension and surrender of deserters from their respective naval and military forces, and to apply all the provisions of this Convention to the offence of deserting.

It is agreed that this Convention shall have effect from the first day of February, one thousand eight hundred and eighty.

Done at Calcutta on the thirtieth day of January in the year of our Lord one thousand eight hundred and eighty.

LYTTON,

*Viceroy and Governor General
of British India.*

Done at Panjim on the twentieth day of January in the year of our Lord one thousand eight hundred and eighty.

CAETANO ALDRE D'ALMEIDA ALBUQUERQUE,
Governor General of Portuguese India.

GENERAL.

The 28th January 1880.

No. 219 G.-G.—Captain H. A. Vincent, 1st Squadron Officer and Officiating 2nd Squadron Commander, 1st Regiment, Central India Horse, Commanding at Goona, is appointed to officiate as Political Assistant at Goona, pending further orders.

Captain Vincent assumed charge of the office of Political Assistant at Goona on the forenoon of 7th January 1880.

The 30th January 1880.

No. 239 G.-G.—Mr. L. H. Griffin, C.S., C.S.I., Secretary to the Government of the Punjab, has been placed temporarily on special political duty

concedido um praso razoavel para a apresentação das provas antes da absolvição ou condenação do accusado.

(s) Se dentro de dois mezes a contar da recepção da noticia da prisão se não houver requerido a extradicação ou a instauração do processo, o accusado poderá ser posto em liberdade. Será posto em liberdade, se dentro de um mez a contar do dia em que fôr conduzido á fronteira ou a um porto de mar, e ali estiver á disposição do Estado reclamante, não fôr enviado para os dominios do outro Estado; podendo porém até que se verifique a extradicação ser concedida fiança ao accusado, quando as leis dos dominios ou jurisdição onde elle fôr encontrado o permittirem, contanto que depois da extradicação o processo seja o determinado pelas leis do dominio e jurisdição do outro Estado.

(t) As Altas Partes Contractantes obrigam-se a auxiliar-se mutuamente na prisão e entrega dos desertores de suas armadas e exercitos, e a applicar todas as disposições d'este artigo ao crime de deserção.

Está resolvido que esta Convenção terá effeito desde o dia primeiro de Fevereiro de mil oitocentos e oitenta.

Feita em Calcutta aos trinta dias de Janeiro no anno de Nosso Senhor de mil oitocentos e oitenta.

LYTTON,

*Vicerey e Governador Geral
da India Britannica.*

Feita em Pargim aos vinte dias de Janeiro no anno de Nosso Senhor de mil oitocentos e oitenta.

CAETANO ALDRE D'ALMEIDA ALBUQUERQUE,
Governador Geral da India Portuguesa.

with the British Force under Lieutenant-General Sir F. S. Roberts, K.C.B., V.C., with effect from the date of assuming charge of his duties.

No. 247 G.-G.—The services of Surgeon-Major H. W. Bellew, C.S.I., on special political duty with Lieutenant-General Sir F. S. Roberts' Force, are replaced at the disposal of the Government of the Punjab, with effect from the 1st February 1880.

No. 251 G.-G.—Captain A. Conolly, on special political duty at Ali Khel, is granted six weeks' privilege leave, with effect from the date of being relieved of his duties.

A. C. LYALL,

Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 28th January 1880.

No. 391.—Read the undermentioned papers regarding the adoption of measures for ensuring a uniform system of exhibiting lights on vessels traversing Indian waters, and a better acquaintance by those in charge of native craft particularly, with that system and with the rules of the road at sea:—

Resolution of the Department of Revenue, Agriculture and Commerce, No. 3, dated the 13th September 1878.

Replies of the Governments of Madras, Bombay and Bengal, and of the Chief Commissioner of British Burma—

- No. 561, dated the 30th October 1878.
 „ 948, dated the 13th November 1878.
 „ 266, dated the 22nd February 1879.
 „ 140-95, dated the 18th January 1879.

Read the following correspondence with the Foreign Department on the expediency of securing the observance of the rules for the exhibition of lights in the case of ships owned, not only by princes and subjects of Native States in India, but by extra-Indian States in direct relations with the Government of India :—

Office Memorandum to the Foreign Department, No. 494, dated the 13th September 1878.
 From the Foreign Department—

- No. 2751, dated the 11th October 1878.
 „ 1018 E. G., dated the 30th April 1879.
 „ 1036 E. G., dated the 10th May 1879.
 „ 1294 E. G., dated the 14th August 1879.
 „ 1329 E. G., dated the August 1879.

Read also—

A Despatch from the Secretary of State, No. 92, dated the 24th July 1879, forwarding, for consideration, the recommendations made by a Court of Enquiry at Bombay, to the effect, that native craft should be compelled to carry lights, and conform in other respects to the regulations laid down for the navigation of British sailing vessels, and that all nakhudas of small vessels, and, in the case of larger vessels, the mates also, should be required to hold certificates of competency.

RESOLUTION.—In the Resolution of the 13th September 1878 the Government of India discussed the following matters referring to—

- (I)—the exhibition of lights by vessels in ports ;
- (II)—the exhibition of lights by vessels under weigh beyond port limits ;
- (III)—(a) the means to be adopted to secure a proper supply of lights in all vessels,
 (b) the means to be adopted to secure that masters and mates of native craft shall possess a competent knowledge of the rules regarding the exhibition of lights and the rule of the road at sea ;
- (IV)—the enforcement of the rules regarding lights by foreign vessels.

And the local maritime Governments were asked—

- (a) to report, in regard to the second matter, how far the port rules at present in force in each province conform to the regulations of the Board of Trade in respect of lights other than anchor lights, and
- (b) to give an opinion on point III (b), *viz.*, the means to be adopted for securing that the commanders and officers of native craft shall possess a competent knowledge of the rules regarding the exhibition of lights, and of the rule of the road at sea.

2. With regard to the first matter, it was stated in the Resolution cited that the local Governments had made their port rules, passed under the Indian Ports Act XII of 1875, conform as regards lights for ships at anchor to Article 7 of the Regulations of the Board of Trade for preventing collisions at sea. From the replies now received to the enquiry made under head (II), it appears that the local port rules (except in Calcutta where they are substantially in harmony with those of the Board) do not conform to the Regulations in respect of lights, other than anchor lights. The Governor General in Council requests that the local Governments will now publish the Regulations of the Board appended to the Order in Council of the 9th January 1853, and enforce their strict observance by all vessels. These Regulations will, however, be superseded from the 1st September 1880 by a revised set issued with the Order in Council, dated the 14th August 1879, of which copies are herewith forwarded. From that date they should be adopted and enforced in all British Indian ports, and His Excellency in Council desires that steps may at once be taken to give as much publicity as possible to these new Regulations, so that masters and

officers of vessels may have ample time to become acquainted with them and with the penalties which will be incurred by disregard of them. The local Governments may adopt any measures they think proper for making the Regulations widely known; it will suffice here to state that the suggestion of Mr. Morland, Deputy Conservator and Port Officer of Bombay, that a pamphlet should be printed, illustrated by diagrams and widely circulated, commends itself to the Government of India, and arrangements should accordingly be made for carrying it into effect in each province, copies being supplied to nákhudas and tindals of native craft at a small cost. This pamphlet might contain, besides a concise statement of the description of lights required by the Regulations to be exhibited by the several classes of vessels and steamers, a few of the most useful rules of the road at sea in the vernaculars used by the seafaring section of the population, and be illustrated by coloured diagrams, so that even those who could not read would be able to derive some idea of the nature of the rules, and when in doubt solve the difficulty by reference to the diagrams. The pamphlet, containing no more than 10 or 20 pages, might be printed in foolscap octavo size, and tindals and nákhudas might be required to produce it before port clearances are granted to their vessels. The Regulations of the Board of Trade, as explained in paragraphs 2 and 3 of the Resolution of 1878, can be enforced under the existing law.

3. With regard to head III (a) (the means to be adopted to secure a proper supply of lights in all vessels), attention is invited to Chapter VI of the Indian Merchant Shipping Bill, shortly to be passed into law, under which local Governments may appoint persons to inspect ships in any port for the purpose of seeing that the same are properly provided with lights and fog signals in pursuance of the Board's Regulations for preventing collisions at sea. Under this Chapter, Customs Collectors may refuse to grant port clearances unless vessels are certified to be so provided.

4. With regard to point III (b) (the means to be adopted for securing that the commanders and officers of native craft shall possess a competent knowledge of the rules regarding the exhibition of lights and of the rule of the road at sea), it was suggested by the Government of Bombay that tindals and others in charge of native craft should be required to pass an examination in the Regulations regarding lights. Legislation would be necessary to carry out the suggestion, but the Governor General in Council is also doubtful whether the course suggested could be generally carried out in practice, seeing that the majority of the persons who would have to undergo the test are illiterate. From the documents now before the Government, it would appear that, although there is some difference of opinion, this doubt is shared by the majority of the local Governments and officers. The Government of Bombay now thinks that it would be sufficient were it simply generally made known to these persons that they are liable to punishment for disobedience of the Regulations, and if native craft were prohibited from leaving port without having a copy of them and without producing the green and red side lights they have to carry when under weigh. The Government of Bengal doubts whether native commanders of vessels below 200 tons should be required to pass an examination. The Chief Commissioner of British Burma would restrict the examination to the provisions of the Regulations pertaining to the exhibition of lights, and he would not compel persons in charge of native craft to pass in the rules of the road at sea. The Government of Madras, on the other hand, does not apparently anticipate any practical difficulty in the matter, and would have resort to legislation in view to making examinations obligatory. The question is now receiving the attentive consideration of His Excellency in Council, and orders on it will be separately issued hereafter.

5. The fourth matter relates to the means to be adopted for enforcing the Regulations regarding lights, &c., in the case of ships owned by foreign States in Asia, whether Indian or extra-Indian, or by subjects of those States. The Governor General in Council understands that the States of—

Khelat, Muscat, the Omán Coast, Zanzibar, Cochin, Travancore, Kutch, and Kattyawar, are willing that the Regulations in question should substantially apply to their ships, and the revised Regulations accordingly should at once be communicated to them. Persons in charge of vessels plying under the colours of these States

will thus have ample time to become familiar with the Regulations, both in theory and practice, before their introduction and enforcement under penalties from the 1st September 1880. And the Government of India also, in the meantime, will address the Secretary of State for India, in view to the promulgation by Her Majesty in Council of the necessary order for legalizing the extension, except in regard to the Omān Coast, the Chiefs of which, though not objecting to the extension of the Regulations, appear to be unable to enforce their observance.

ORDERED, that copies of this Resolution and of the Regulations issued under the Order in Council of the 14th August 1879 be forwarded to the Governments of Madras, Bombay, and Bengal, and to the Chief Commissioner of British Burma, for information and the necessary action.

Ordered, that copies of the Resolution and of the Regulations be forwarded to the Foreign Department for communication to the Native States mentioned in the last paragraph; also to the Military (Marine) Department for information.

Ordered, that the Resolution and Regulations be published in the *Gazette of India*.

At the Court at Osborne House, Isle of Wight, the 14th day of August 1879.

P R E S E N T :

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS, by "The Merchant Shipping Act Amendment Act, 1862," it was enacted, that on and after the first day of June one thousand eight hundred and sixty-three, or such later day as might be fixed for the purpose by Order in Council, the Regulations contained in the table marked C in the schedule to the said Act should come into operation and be of the same force as if they were enacted in the body of the said Act; but that Her Majesty might from time to time, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said Regulations, or make new Regulations in addition thereto or in substitution therefor; and that any alterations in, or additions to, such Regulations made in manner aforesaid should be of the same force as the Regulations in the said schedule:

And whereas, by the same Act, it was further provided, that whenever it should be made to appear to Her Majesty that the Government of any foreign country was willing that the Regulations for preventing collisions contained in Table C in the schedule to the said Act, or such other Regulations for preventing collisions as are for the time being in force under the said Act, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty might, by Order in Council, direct that such Regulations should apply to the ships of the said foreign country, whether within British jurisdiction or not; and it was further provided by the said Act, that whenever an Order in Council had been issued applying any Regulation made by or in pursuance of the said Act to the ships of any foreign country, such ships should, in all cases arising in any British court, be deemed to be subject to such Regulation, and should, for the purpose of such Regulation, be treated as if they were British ships:

And whereas, by an Order in Council made in pursuance of the said recited Act, and dated the ninth day of January one thousand eight hundred and sixty-three, Her Majesty was pleased to direct:—First, that the Regulations contained in the schedule to the said Act should be modified by the substitution for such Regulations of certain Regulations appended to the said Order;

Secondly, that the said Regulations appended to the said Order should, on and after the first day of June, one thousand eight hundred and sixty-three, apply to French ships, whether within British jurisdiction or not:

And whereas, by several Orders in Council subsequently made, Her Majesty was pleased to direct that the Regulations appended to the said Order of the ninth of January one thousand eight hundred and sixty-three, should apply to ships of the countries specified in the said Orders, whether within British jurisdiction or not:

And whereas, by Order in Council, dated the thirtieth day of July one thousand eight hundred and sixty-eight, Her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to make certain additions to the Regulations appended to the said first-recited Order in Council, for the purpose of explaining Articles 11 and 13 of the said Regulations, and of removing doubt and misapprehension concerning the effect of the said two Articles:

And whereas the Admiralty and the Board of Trade have jointly recommended to Her Majesty, that the Regulations contained in the Order in Council dated the ninth day of January one thousand eight hundred and sixty-three, and the additions to the said Regulations contained in the said Order in Council of the thirtieth day of July one thousand eight hundred and sixty-eight, shall be annulled from the first day of September one thousand eight hundred and eighty, and that there shall be substituted for the said Regulations and additions respectively the new Regulations hereinafter set forth:

And whereas it has been made to appear to Her Majesty that the governments of the several foreign countries mentioned in the second schedule hereto are respectively willing that the Regulations contained in the first schedule hereto shall apply to ships of the said countries respectively whether within British jurisdiction or not :

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said recited Act, and by and with the advice of Her Privy Council, is pleased to direct :—

First, that on and after the first day of September one thousand eight hundred and eighty the Regulations appended to the said Order in Council of the ninth day of January one thousand eight hundred and sixty-three and the additions to the said Regulations contained in the said Order in Council of the thirtieth day of July one thousand eight hundred and sixty-eight shall be annulled, and that there shall be substituted for the said Regulations and additions respectively the new Regulations contained in the first schedule hereto.

Second, that the said Regulations contained in the said first schedule hereto shall, from and after the first day of September one thousand eight hundred and eighty, apply to ships of the countries mentioned in the said second schedule hereto whether within British jurisdiction or not.

C. L. PEEL.

FIRST SCHEDULE.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

Preliminary.

ART. 1.—In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship ; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

ART. 2.—The lights mentioned in the following Articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers, from sunset to sunrise.

ART. 3.—A seagoing steam ship when under way shall carry—

- (a) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass ; so fixed as to throw the light 10 points on each side of the ship, *viz.*, from right ahead to two points abaft the beam on either side ; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.
- (b) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass ; so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side ; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.
- (c) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass ; so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side ; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.
- (d) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

ART. 4.—A steam ship, when towing another ship, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, so as to distinguish her from other steam ships. Each of these lights shall be of the same construction and character, and shall be carried in the same position, as the white light which other steam ships are required to carry.

ART. 5.—A ship, whether a steam ship or a sailing ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry in the same position as the white light which steam ships are required to carry, and, if a steam ship, in place of that light, three red lights in globular lanterns, each not less than 10 inches in diameter, in a vertical line one over the other, not less than three feet apart ; and shall by day carry in a vertical line one over the other, not less than three feet apart, in front of but not lower than her foremast head, three black balls or shapes, each two feet in diameter.

These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

The above ships when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

ART. 6.—A sailing ship under way, or being towed, shall carry the same lights as are provided by Article 3 for a steam ship under way, with the exception of the white light, which she shall never carry.

ART. 7.—Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use : and shall, on the approach of or to other vessels, be exhibited on

their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

ART. 8.—A ship, whether a steam ship or a sailing ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least one mile.

ART. 9.—A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the mast head, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals which shall never exceed fifteen minutes.

A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

ART. 10. (a).—Open fishing boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

(b) A fishing vessel, and an open boat, when at anchor, shall exhibit a bright white light.

(c) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than three feet apart.

(d) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than three feet apart, the upper light red, and the lower green, and shall also either carry the side lights required for other vessels or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (a) of this Article.

(e) Fishing vessels and open boats shall not be prevented from using a flare-up in addition, if they desire to do so.

(f) The lights mentioned in this Article are substituted for those mentioned in the 12th, 13th, and 14th Articles of the Convention between France and England scheduled to the British Sea Fisheries Act, 1868.

(g) All lights required by this Article, except side lights, shall be in globular lanterns so constructed as to show all round the horizon.

ART. 11.—A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

Sound Signals for Fog, &c.

ART. 12.—A steam ship shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog horn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing ship shall be provided with a similar fog horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this Article shall be used as follows; that is to say—

(a) A steam ship under way shall make with her steam whistle, or other steam sound signal, at intervals of not more than two minutes, a prolonged blast.

(b) A sailing ship under way shall make with her fog horn, at intervals of not more than two minutes, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(c) A steam ship and a sailing ship when not under way shall, at intervals of not more than two minutes, ring the bell.

Speed of Ships to be moderate in Fog, &c.

ART. 13.—Every ship, whether a sailing ship, or steam ship, shall in a fog, mist, or falling snow, go at a moderate speed.

Steering and Sailing Rules.

ART. 14.—When two sailing ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows, *viz.* :—

(a) A ship which is running free shall keep out of the way of a ship which is close-hauled.

(b) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.

(c) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward.

(e) A ship which has the wind aft shall keep out of the way of the other ship.

ART. 15.—If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the mast of the other in a line, or nearly in a line, with her own; and by night, to cases in which each ship is in such a position as to see both the side lights of the other.

It does not apply by day to cases in which a ship sees another ahead crossing her own course; or by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

ART. 16.—If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

ART. 17.—If two ships, one of which is a sailing ship, and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

ART. 18.—Every steam ship, when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse, if necessary.

ART. 19.—In taking any course authorized or required by these Regulations, a steam ship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, *viz.* :—

One short blast to mean "I am directing my course to starboard."

Two short blasts to mean "I am directing my course to port."

Three short blasts to mean "I am going full speed astern."

The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.

ART. 20.—Notwithstanding anything contained in any preceding Article, every ship, whether a sailing ship or steam ship, overtaking any other, shall keep out of the way of the overtaken ship.

ART. 21.—In narrow channels every steam ship shall, when it is safe and practicable, keep to that side of the fairway or midchannel which lies on the starboard side of such ship.

ART. 22.—Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.

ART. 23.—In obeying and construing these rules due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

No ship under any circumstances, to neglect proper precautions.

ART. 24.—Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Reservation of Rules for Harbours and Inland Navigation.

ART. 25.—Nothing in these rules shall interfere with the operation of a special rule, duly made by Local Authority, relative to the navigation of any harbour, river, or inland navigation.

Special Lights for Squadrons and Convoys.

ART. 26.—Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for ships sailing under convoy.

SECOND SCHEDULE.

Austria-Hungary.	Italy.
Belgium.	Netherlands.
Chili.	Norway.
Denmark.	Portugal.
France.	Russia.
Germany.	Spain.
Great Britain.	Sweden.
Greece.	United States.

No. 428.—Messrs. J. Dillon and W. Alpin having been respectively appointed to officiate temporarily as Post Master General, Bengal, and Compiler of Post Office Accounts, received charge of the said offices on the 17th January 1880.

R. B. CHAPMAN,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.*Fort William, the 30th January 1880.***APPOINTMENTS.****No. 67.—ORDNANCE DEPARTMENT—**

Lieutenant J. J. Swinton, Royal Artillery, to be a temporary Commissary of Ordnance, 3rd class.

No. 68.—HYDERABAD CONTINGENT—*2nd Infantry.*

Lieutenant F. A. Harris, 54th Foot, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation.

No. 69.—PUNJAB FRONTIER FORCE—*2nd Sikh Infantry.*

Subadar Gurbaj Singh, to be Subadar Major, *vice* Gomandha Singh, "Sirdar Bahadur," invalided; Jemadar Lachman, to be Subadar, *vice* Gomandha Singh, "Sirdar Bahadur," invalided; Havildar Kan Singh, to be Jemadar, *vice* Lachman, promoted; Jemadar Kan Singh, to be Subadar, *vice* Sibsahie Singh, "Bahadur," invalided; Havildar Diulla, to be Jemadar, *vice* Kirat Singh, invalided; Havildar Rupa, to be Jemadar, *vice* Sham Singh, invalided,—16th December 1879.

No. 70.—Jemadar Nissar Ally Khan, appointed on probation to the 3rd Punjab Cavalry in G. G. O. No. 972 of 1877, is confirmed in that rank, with effect from the 12th December 1877.

DISMISSALS AND REMOVALS.

No. 71.—Second Class Apothecary A. Fitzgibbon, V.C., is struck off the list of the Subordinate Medical Department.

FURLOUGH AND LEAVE.

No. 72.—The under-mentioned Officers are granted furlough out of India, with the necessary subsidiary leave.—

Lieutenant-Colonel (Brevet Colonel) J. P. Turton, S.C., Wing Commander and 2nd in Command, 4th Goorkha Regiment,—(m. c.) for one year, under Rules IX and XV of the Regulations of 1868.

Lieutenant-Colonel H. H. Stansfeld, Infantry,—(p. a.) for one year, twenty days, under Rule IX of the Regulations of 1868.

Lieutenant G. W. Deane, S.C., Squadron Officer and Adjutant, 13th Bengal Lancers,—(m. c.) for one year, under Rule VI of the Regulations of 1875.

Surgeon-Major H. B. Purves,—(m. c.) for one year—three days under Rules IX and XV, and the remaining period under Rule XIV, Clause (2), of the Regulations of 1868.

RETIREMENTS.

No. 73.—Lieutenant-Colonel (Brevet Colonel) Erskine Grant Langmore, S.C., is permitted to retire from the service with effect from the 31st January 1880, under the provisions of G. G. O. No. 1158 of 1879, subject to Her Majesty's approval.

REWARDS.**No. 74.—ORDER OF BRITISH INDIA—**

His Excellency the Governor General in Council is pleased to admit the under-mentioned Native Officers to the 1st and 2nd classes of the Order of British India, with effect from the date specified :—

MADRAS.

To the 1st class, with the title of "Sirdar Bahadur."

Subadar Major Narrainsawmy, "Bahadur," "Queen's Own" Sappers and Miners, *vice* Subadar Major Appoo, "Sirdar Bahadur," deceased,—1st November 1879.

To the 2nd class, with the title of "Bahadur."

Subadar Major Sheik Nuther, 17th Regiment, Native Infantry, *vice* Subadar Major Narrainsawmy, "Bahadur," promoted,—1st November 1879.

ALLEN JOHNSON, Colonel,

Secy. to the Govt. of India.

MARINE DEPARTMENT.*Fort William, the 30th January 1880.***APPOINTMENTS.**

No. 4.—Lieutenant W. L. Searle, late I. N., Superintendent of Marine, Bombay, and acting at Calcutta, to be Superintendent of Marine, Calcutta, with effect from the 7th October 1879, *vice* Commander G. T. Robinson, deceased.

Lieutenant G. O'B. Carew, late I. N., Marine Store-keeper, Bombay Dockyard, and Acting Superintendent of Marine, Bombay, to be a Superintendent of Marine, H. M.'s Indian Marine, with effect from the 7th October 1879.

Lieutenant Carew is posted to Bombay, *vice* Lieutenant Searle, transferred to Calcutta.

FURLOUGH AND LEAVE.

No. 5.—Mr. R. Wood, Inspector of Machinery, Bombay Dockyard, is granted twelve months' furlough to Europe, under Section 8, Supplement F, Civil Leave Code, with effect from such date as he may avail himself of it.

ALLEN JOHNSON, Colonel,

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.**NOTIFICATIONS.—ESTABLISHMENT.***Fort William, the 24th January 1880.*

No. 25.—Captain R. A. Sergeaut, R.E., Executive Engineer, 1st Grade (temporary rank), is appointed Revenue Assistant, Railway Branch, Public Works Secretariat, of the Government of India.

No. 26.—The services of Lieutenant H. D. Love, R.E., Assistant Examiner, Public Works Accounts, Madras, are placed at the disposal of the Government of Madras.

The 26th January 1880.

No. 27.—The orders* of the Punjab Government appointing Mr. H. Garbett, Executive Engineer, 1st Grade, to officiate as Superintending Engineer of the Bari Doab Circle, *vice* Lieutenant-Colonel E. L. Earle, are confirmed.

* Notification No. 212 E.-I., dated 13th January 1880.

The 27th January 1880.

No. 28.—Mr. F. L. Brown, C.E., Officiating Deputy Examiner, 1st Grade, returned from the furlough granted him in Public Works Department Notification No. 111, dated 1st March 1879, on the 20th December 1879, afternoon. Mr. Brown was on subsidiary leave from the 21st December 1879 to the 11th January 1880, both dates inclusive.

The 28th January 1880.

No. 29.—Major H. McV. Crichton, R.E., Executive Engineer, 1st Grade, Military Works Branch, is appointed to officiate as Superintending Engineer in that Branch, and posted to the Rawal Pindi Command.

No. 30.—In supersession of previous orders, His Excellency the Governor General in Council has decided that the Railway in course of construction or survey from the Indus Valley Railway to Kandahar shall in future be called the Kandahar Railway, and that it shall be divided into three sections for construction purposes, *viz.* :—

- 1 or Jacobabad Section, from the junction to the foot of the hills at the Nari Gorge near Sibi ;
- 2 or Hurnai Section, from the foot of the hills at the Nari Gorge to Kuchlak ;
- 3 or Gulistan Karez Section, from Kuchlak to Kandahar.

The 30th January 1880.

No. 33.—Mr. L. E. H. Yates is appointed as an Assistant Locomotive Superintendent, on probation, in Class IV of the Superior Revenue Establishment of State Railways, and placed at the disposal of the Director General of Railways.

No. 34.—Mr. J. Sheldon, Executive Engineer, 3rd Grade, North-Western Provinces and Oudh, is permitted to resign his appointment under Resolution of the Department of Finance and Commerce, No. 2079, dated 31st July 1879, with effect from 31st December 1879, afternoon.

No. 35.—Mr. H. W. Bennett, Assistant Engineer, 3rd Grade, Southern Section, Western Rajputana State Railway, having passed the examination required under the provisions of Public Works Code Chapter II, i, 16, is promoted to the 2nd Grade of Assistant Engineers from the 9th October 1879.

No. 36.

RESOLUTION.—By the Govt. of India, P. W. DEPT., No. 303G, dated Fort William, the 30th January 1880.

RE-ARRANGEMENT OF ENGINEERING STAFF CONSEQUENTIAL ON LATE REDUCTIONS.

The reductions in the Engineer Staff, under the Resolution of the Government of India in the Department of Finance and Commerce, No. 2079, dated 31st July 1879, having been generally brought to a close, though it may still be necessary* to give special leave to some Officers of Royal Engineers, when they return in considerable numbers from the Kabul Campaign, the Gov-

ernor General in Council is pleased to lay down the following bases on which to make promotions in the Engineer Establishment.

2. The scales of Executive and Assistant Engineers noted below have been arrived at on a consideration of the numerical strength of the Department under the Government of India on the 1st April last. It is found that the ratio of the number of Executive Engineers to that of Assistants was very nearly as 3 to 4, and the sanctioned scale of those classes is framed on that ratio. The numbers of Chief and Superintending Engineers were determined in Public Works Department Resolution Nos. 1506-33 E.-G., dated 28th August 1879.

3. The total of the requirements of all Provinces has been ascertained to be approximately as follows, and this has been accepted provisionally as the total sanctioned strength of the Engineer Staff throughout India :—

18 Chief Engineers.
46 Superintending Engineers.
356 Executive "
476 Assistant "

or a total of 896.

Deducting the number in Madras and Bombay there will be—

14 Chief Engineers.
37 Superintending Engineers.
285 Executive "
381 Assistant "

or a total of 717 officers directly under the Government of India.

These, again divided according to provisional scales and Code rules, become as follows :—

Chief Engineers,	I Class	6	
" "	II "	4	
" "	III "	4	14
Superintending Engineers, 1st Grade		13	
" " 2nd "		12	
" " 3rd "		12	37
Executive Engineers, 1st Grade		55	
" " 2nd "		69	
" " 3rd "		71	
" " 4th "		90	285
Assistant Engineers, 1st Grade		124	
" " 2nd and 3rd Grades		253	381
and Apprentices			717
TOTAL			717

4. The following is the distribution according to provisional scales :—

PROVINCE.	Chief Engineers, I, II & III.	Superintending Engineers.	Executive Engineers.				Assistant Engineers.	
			1	2	3	4	1	2 & 3.
Bengal	2	6	7	9	9	11	16	32
North-Western Provinces and Oudh.	2	4	9	11	11	13	20	39
Punjab	2	5	7	10	10	12	18	35
Local Administrations.	2	5	9	9	10	16	19	38
Military Works.	1	5	5	6	7	8	12	23
Railways	5	12	18	24	21	30	43	86
	14	37	55	69	71	90	128	253
								717

5. The Provincial and Irrigation Branches under the respective Local Governments are treated as one, in accordance with the plan laid down for ultimate adoption in para. 8 of Public Works Department Resolution Nos. 1506-33 E.-G., dated 28th August 1879.

6. It was also originally intended that the Executive and Assistant Engineers under Local

Administrations should be brought on one list for promotion on 1st April 1880, but in dealing practically with the reduced establishment it has been found necessary to anticipate this arrangement.

7. The strength of the establishment actually on the permanent list, compared with the provisionally sanctioned scale, is as follows:—

		Actual.	Sanctioned.
Chief Engineers,	I Class...	6	6
" "	II " ...	4	4
" "	III " ...	2	4
		12	14
Superintending Engineers, 1st Grade..		13	13
" " 2nd " ...		8	12
" " 3rd " ...		9	12
		30	37
Executive Engineers, 1st Grade ...		57	55
" " 2nd " ...		60	69
" " 3rd " ...		62	71
" " 4th " ...		74	90
		253	285
Assistant Engineers, 1st Grade ...		132	128
" " 2nd & 3rd Grades			
and Apprentices ...		379	253
		511	381
		806	717
		+ 89	

or 89 officers in excess of requirements, who will have to be borne on the several lists as supernumeraries.

8. The promotions therefore on the whole will be as follows:—

Superintending Engineer to Chief Engineer, III	2*
2nd Grade to 1st Grade Superintending Engineer	2
3rd Grade to 2nd Grade Superintending Engineer	6
Executive Engineer to Superintending Engineer, 3rd Grade	9†
Assistant Engineer, 1st, to 4th Grade Executive	41‡

9. But, before making promotions on the several lists, it is necessary to make some transfers, and to take the opportunity of removing all Civil Engineers from the Military Works Branch, and replacing them by Military Officers. Having regard however to the large number of Royal Engineer Officers of the Military Works Branch now absent on field service, the Civil Engineers of that Branch will remain temporarily attached to it until the Inspector General can dispense with their services. The transfers are made in Notification No. 37 of this date. All transfers will have effect from 31st December 1879, and all promotions to vacancies now existing, whether arising from retirement or other casualty, will have effect from 1st January 1880.

10. The promotions may be made to fill vacancies without any reference to the rule laid down in Public Works Code I, ii, 75, but all Supernumeraries in a grade must be absorbed before a promotion can be made to that grade.

11. The promotions ordered by the Governor General in Council from Executive to Superintending Engineer, and in higher classes and grades, are published in Notification No. 38 of this date.

12. In making the promotions from the rank of Executive to Superintending Engineer, the Governor General in Council has accepted the recommendations of the Local Governments and Administrations for the appointments to the vacant posts in their Provinces: but promotions to the class having once been made, further advancement in it, and to the position of Chief Engineer, will be regulated by the Government of India on general considerations.

13. Referring to Public Works Code, Chap. I, Sec. ii, para. 46, henceforward the salaries of Chief Engineers will be personal and irrespective of the post in which they may be employed. A Standing Order will issue correcting the Code accordingly.

14. The following changes will be required in the table of periodical returns in the Departmental Code VI, vi, 57, which will shortly be corrected by Standing Order. Local Administrations should submit half-yearly Recommendation Rolls for promotions of Executive and Assistant Engineers which will be due in this Office on the 28th February and 31st August, in addition to the annual one at the head of the table, which should now include recommendations for all steps above 1st Grade Executive Engineer, both for Local Governments and Administrations. The rolls ordinarily due on 28th February next should be submitted at once to enable the Government of India to make promotions on the general list for Local Administrations, and on those of the Military Works and Railway Branches.

15. The Governor General in Council has also had under consideration the subject of temporary promotions from grade to grade within a class. The system has led to complications, and in view of the number of permanent promotions now made, His Excellency in Council has decided that there shall be no further grade to grade promotions, but temporary promotions may continue to be made from class to class under existing rules.

16. The figures in the table in para. 4, showing the provisionally sanctioned scales, are subject to revision as the detailed tabular statements are received and considered by the Government of India. It is not intended to allow in Provinces, Administrations, or Branches of the Department, any margin over strength of staff required to fill sanctioned appointments in the Engineer Establishment on account of absentees on furlough, &c.

17. Where the total number of officers on any list exceeds the provisionally sanctioned scale (Code I, ii, 74), those in excess, beginning at the junior officer in the lowest grade, are to be entered as Supernumeraries, and their names printed in italics at the foot of the list.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* for information and guidance.

No. 38.—With reference to Public Works Department Resolution No. 303G. of this date, the Governor General in Council is pleased to make the following permanent promotions in the Engineer Establishment of the Public Works Department, with effect from the 1st January 1880:—

To Chief Engineer, Class III.

Colonel L. Russell, R.E., Superintending Engineer, 1st Grade, and Secretary to Agent, Governor General, for Central India (with effect from 1st January 1879).

Mr. W. C. Furnivall, Chief Engineer, Class III, temporary rank.

Lieutenant-Colonel F. S. Stanton, R.E., Chief Engineer, Class III, temporary rank.

To Superintending Engineer, 1st Grade.

Lieutenant-Colonel W. R. Johnson, Superintending Engineer, 1st Grade (temporary rank), and Secretary to the Chief Commissioner, Mysore, in the Public Works Department.

Lieutenant-Colonel W. Jeffreys, R.E., Superintending Engineer, 2nd Grade, N. W. Provinces and Oudh.

* 14—12—2 (A).
† 37—30+2 (A—) (B).
‡ 285—253+9 (B)—41.

To Superintending Engineer, 2nd Grade.

Major C. C. S. Moncrieff, C.S.I., R.E., Superintending Engineer, 3rd Grade, N. W. Provinces and Oudh.

Major R. G. Smyth, R.E., Superintending Engineer, 2nd Grade, temporary rank, Bengal.

Major A. LeMessurier, R.E., Superintending Engineer, 2nd Grade, temporary rank, State Railways.

Mr. W. H. Parker, Superintending Engineer, 2nd Grade, temporary rank, State Railways.

Mr. R. T. Mallet, Superintending Engineer, 2nd Grade, temporary rank, State Railways.

* * * * *

To Superintending Engineer, 3rd Grade.

Mr. H. T. Geoghegan, Executive Engineer, 1st Grade, State Railways.

Mr. H. Garbett, Executive Engineer, 1st Grade, Punjab.

Mr. R. Tyndall, Superintending Engineer, 3rd Grade, temporary rank, Punjab.

Mr. H. Bell, Superintending Engineer, 3rd Grade, temporary rank, State Railways.

Mr. F. L. O'Donoghue, Superintending Engineer, 3rd Grade, temporary rank, State Railways.

Major J. M. Heywood, R.E., Superintending Engineer, 3rd Grade, temporary rank, Bengal.

Mr. J. C. Vertannes, Executive Engineer, 1st Grade, Bengal.

Mr. E. J. Martin, Executive Engineer, 1st Grade, Bengal.

Mr. A. C. Cregeen, Superintending Engineer, 3rd Grade, temporary rank, State Railways.

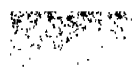
Major J. P. Steel, R.E., Superintending Engineer, 2nd Grade, temporary rank, who is hereby confirmed in his appointment as Secretary to the Agent, Governor General, for Rajputana, in the Public Works Department.

GENERAL.

The 30th January 1880.

No. 37.—With reference to Public Works Department Resolution No. 303 G of this date, the Governor General in Council is pleased to order the under-mentioned transfers:—

Names.	Rank and Grade.	From	To	
Birney, Major J., R. E. ...	Executive Engineer, 1st Grade.	Military Works Branch.	State Railways under Director General, Railways.	On furlough.
Blair, Major H. F., R. E. ...	Ditto ditto ...	Ditto ditto ...	Ditto ditto.	
Harrington, W. B. ...	Ditto ditto ...	Ditto ditto ...	Bengal.	
Penny, A. ...	Ditto ditto ...	Ditto ditto ...	State Railways under Director General, Railways.	
Dodsworth, G. W. ...	Executive Engineer, 2nd Grade.	Ditto ditto ...	Ditto.	
LeLievre, E. ...	Ditto 3rd Grade, temporary rank.	Ditto ditto ...	Bengal.	
Luckersteen, M. R. ...	Ditto ditto ditto.	Ditto ditto ...	State Railways under Director General Railways.	
Hilton, J. E. ...	Ditto 4th Grade.	Ditto ditto ...	Punjab ...	On furlough.
King, W. H. ...	Ditto 3rd Grade, temporary rank.	Ditto ditto ...	Bengal.	
Birkbeck, M. ...	Ditto 4th Grade, temporary rank.	Ditto ditto ...	State Railways under Director General, Railways.	
Ashhurst, F. H. ...	Assistant Engineer, 1st Grade.	Ditto ditto ...	North Western Provinces and Oudh.	On furlough.
Morse, F. W. ...	Ditto ditto, temporary rank.	Ditto ditto ...	State Railways under Director General of Railways.	
Harman, J. M. ...	Ditto ditto ditto	Ditto ditto ...	Ditto ditto.	
Bailey, R. J. ...	Ditto ditto ditto	Ditto ditto ...	Ditto ditto.	
Fox, F. G. ...	Ditto ditto ditto	Ditto ditto ...	Ditto ditto.	
Jewett, T. H. ...	Ditto ditto ditto	Ditto ditto ...	Ditto ditto.	
Wyatt, J. C. ...	Ditto 2nd Grade	Ditto ditto ...	Ditto ditto.	
Corrigan, S. A. L. ...	Ditto ditto ...	Ditto ditto ...	Ditto ditto.	
Lamb, G. F. ...	Ditto ditto ...	Ditto ditto ...	Ditto ditto.	
McKenzie, P. ...	Ditto ditto ...	Ditto ditto ...	Ditto ditto.	
Jones, A. J. P. ...	Ditto ditto ...	Ditto ditto ...	Bengal	On furlough.
Davies, J. D. ...	Ditto ditto ...	Ditto ditto ...	Ditto	On furlough.
Grant, A. ...	Ditto ditto ...	Ditto ditto ...	Ditto.	
Harrile, O. ...	Ditto ditto ...	Ditto ditto ...	Ditto.	
Baroda Prosada Bosu ...	Ditto ditto ...	Ditto ditto ...	Ditto.	
Kally Podo Sen ...	Ditto ditto ...	Ditto ditto ...	Ditto.	
Duperier, Lieut. H. W., R. E.	Ditto ditto ...	North-Western Provinces and Oudh.	Military Works Branch.	
Glennie, Lieut. E., R. E. ...	Ditto 1st Grade, temporary rank.	Ditto ditto ...	Ditto ditto.	
Graves, Captain H. A. ...	Ditto ditto ditto	Ditto ditto ...	Ditto ditto.	
Cather, Lieut. T. P., R. E. ...	Ditto 2nd Grade	Punjab	Ditto ditto.	
Rowyer, Lieut. W. G., R. E. ...	Ditto 1st Grade, temporary rank.	Ditto	Ditto ditto.	
Scott-Moncrieff, Lieut. G. K., R. E.	Ditto 2nd Grade	Ditto	Ditto ditto.	
Appleton, Lieut. H., R. E. ...	Ditto ditto ...	Ditto	Ditto ditto.	
Abbott, Lieut. H. E. S., R. E.	Ditto ditto ...	Ditto	Ditto ditto.	
Owen, T. E. ...	Executive Engineer, 2nd Grade.	State Railways, under Director General of Railways.	Bengal.	
Wells, Lieut. H. L., R. E. ...	Assistant Engineer, 2nd Grade.	Ditto ditto ...	Military Works Branch.	
Burn-Maddock, Lieut. J., R. E.	Ditto ditto ...	Ditto ditto ...	Ditto ditto.	
Jennings, Lieut. R. H., R. E.	Ditto ditto ..	Ditto ditto ...	Ditto ditto.	
Newmarch, Lieut.-Col. G., R. E.	Executive Engineer, 1st Grade.	British Burmah	Ditto ditto	On furlough.
Kenney, Lieut. A. H., R. E.	Assistant Engineer, 1st Grade, tem-	Central Provinces.	Ditto ditto.	





The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 31, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
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E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 2 of 1880.

BAY OF BENGAL—COAST OF BURMA.

GULF OF MARTABAN.

Discontinuance of Maroon Lights at Krishna Shoal Light-vessel.

With reference to Notice to Mariners, No. 24, issued from this Department on 2nd November 1878,

Notice is hereby given that on and after 1st July 1880 the exhibition of *maroon* lights from the Krishna Shoal Light-vessel will be discontinued,

but the *blue* light will be shown every half hour as at present.

By Direction of the Government of India,
R. C. CARRINGTON,

In charge of Office,
for A. DUNDAS TAYLOR, Comdr. (late I.N.),
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey
Department;
The 21st January 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 823, 830, 706, and 7486, and Light List for 1880.

INDIAN MARINE SURVEY Charts, Nos. 134, 154, and 1036, and Light List for 1879, and Taylor's Sailing Directory, Vol. I, page 498.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 3 of 1880.

BAY OF BENGAL—COAST OF ORISSA.

FALSE POINT.

Exhibition of New Fixed Light.

With reference to this Department Notice to Mariners, No. 29, dated 4th September 1879:—

NOTICE is hereby given that on and after 1st February 1880, the blue lights and rockets now shewn from False point light-house will be discontinued and the new light exhibited.

The light will be a *fixed white* light, elevated 129 feet above the level of high water, and should be visible in clear weather in every direction seaward, from a distance of 19 miles.

The tower—which is of red granite, with a large white star in the centre, facing east—is 132 feet high from base to vane.

The illuminating apparatus is dioptric, or by lenses, of the 1st order.

Position: Latitude, 20° 20' 20" N.; longitude, 86° 44' 0" E.

By Direction of the Government of India,

R. C. CARRINGTON,

In charge of Office,

for A. DUNDAS TAYLOR, Comdr. (late I.N.),

Superintendent, Marine Survey of India.

Calcutta,—Marine Survey
Department; }
The 26th January 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 755, 814, 1681, 829, 70a and 748b, and Light List for 1880.

INDIAN MARINE SURVEY Charts, Nos. 1165, 115, 1172 and 103a, and Light List for 1880, and Taylor's Sailing Directory, Vol. I, page 469.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 26th January 1880.

No. 157.—The resignation of Mr. E. B. M. Drew, Assistant Surveyor, 4th Grade, published in Notification No. 148, dated the 20th November last, is hereby cancelled, and he is placed on the half-pay list, with effect from the 8th November 1879.

J. T. WALKER, Major-Genl., R.E.,

Surveyor General of India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 30th January 1880.

No. 114.—Under Act 22 of 1876, Section 3, Mr. H. J. Reynolds, Secretary to the Government of Bengal, has been elected a Trustee of the Indian Museum, in the place of Hon'ble A. Mackenzie, resigned.

The Council of the Asiatic Society of Bengal has appointed the Revd. Dr. A. F. R. Hoerule, in the place of Mr. T. S. Isaac, resigned. Mr. J. Crawford and Dr. T. R. Lewis, in the place of Major J. Waterhouse, gone to England, and of Mr. H. B. Medlicott, appointed President of the Asiatic Society of Bengal.

By Order of the Trustees,

H. B. MEDLICOTT,

*Honorary Secretary, Trustees,
Indian Museum.*

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATION.—ESTABLISHMENT.

Indore, the 23rd January 1880.

No. 3.—Mr. H. F. White, Executive Engineer, 2nd Grade, made over charge of the Bundelcund Road Division to Baboo Ashootosh Mitter, Executive Engineer, 4th Grade, on the afternoon of the 12th instant.

By Order,

L. RUSSELL, Colonel, R.E.,

*Secy. to Agent, Govr. Genl.,
for Central India.*

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Camp Ajmere, the 21st January 1880.

No. 180 C.S.—Mr. E. G. Foy, Assistant Engineer, 3rd Grade, attached to the Nusseerabad Division, is promoted to Assistant Engineer, 2nd Grade, with effect from the 23rd December 1879, he having passed the examination prescribed in paragraph 17 of Chapter II, Section I, of the Revised Public Works Code.

By Order,

J. P. STEEL, Major, R.E.,

*Secy. to Agent, Governor General,
and Chief Commr., in the P. W. D., Rajputana.*

PUBLIC WORKS DEPARTMENT— Military Works.

NOTIFICATIONS.

Simla, the 13th January 1880.

No. 4.—The Darjeeling Division, Military Works, is hereby abolished as a separate division, and incorporated with the Fort William Division, Military Works, as a sub-division.

The 17th January 1880.

No. 5.—Mr. F. C. Murray, Assistant Engineer, is appointed to officiate as Executive Engineer, Jullundur Division, Military Works, with effect from forenoon of 1st November 1879.

C. W. HUTCHINSON, Lieut.-Genl., R.E.,

Insp. Genl. of Military Works.

Meerut Command.

Meerut, the 21st January 1880.

No. 5.—With reference to Military Department Notification No. 1205, dated 12th December 1879, and in continuation of Meerut Command Notification No. 2, dated 2nd January 1880, Captain A. E. Ward, B.S.C., Temporary Executive Engineer, 4th Grade, and Lieutenant J. T. Johnston, R.E., Temporary Executive Engineer, 4th Grade, respectively, made over and received charge of the Agra Division, Military Works, on the afternoon of the 15th January 1880.

G. P. DE PALEZIEUX-FALCONNET, Lt.-Col., R.E.,

*Supdg. Engr., Meerut Command,
Military Works*

Sirhind & Lahore Command.*The 24th January 1880.*

No. 64.—Honorary Lieutenant Mole, Assistant Engineer, transferred from the Sirhind and Lahore Command, Military Works, to the Rawalpindi Command, Military Works, reported his departure from the Kasauli Division, Military Works, on the forenoon of the 20th instant.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command,
Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.*Calcutta, the 24th January 1880.*

With reference to the Notification of the Government of India, Public Works Department, No. 5, dated the 9th instant, Captain H. S. F. Haynes, R.E., attached to the Office of the Examiner of Guaranteed Railway Accounts, Calcutta, reported his departure for Lucknow on the afternoon of 20th January 1880.

F. S. TAYLOR, *Col., R.E.,*
Consulting Engr. to Govt. of India
for Guaranteed Railways.

Lucknow, the 23rd January 1880.

With reference to Government of India, Public Works Department, Notification No. 5, dated 9th January 1880, Captain H. S. F. Haynes, R.E., joined his appointment as Officiating Deputy Consulting Engineer, Lucknow, on the forenoon of the 23rd January 1880.

T. F. DOWDEN, *Major, R.E.,*
Offg. Consulting Engr. to Govt. of India
for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.**NOTIFICATIONS.—ESTABLISHMENT.***Calcutta, the 26th January 1880.*

No. 16.—Major H. J. Nuthall, S.C., Executive Engineer, 2nd Grade, is transferred from the Peshawar-Jellalabad Railway Survey to the Rawalpindi-Peshawar Railway.

The 29th January 1880.

No. 17.—Mr. J. R. Bell, Officiating Executive Engineer, 2nd Grade, and Superintendent of Works, is transferred in the same capacity to the Pindi-Peshawar Railway for employment on the Attock Bridge over the Indus.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY.**NOTIFICATION.***The 9th January 1880.*

No. 1.—Mr. R. J. Woods, Assistant Engineer, 2nd Grade, is transferred from the Khanpur to the Larkhana Division for the benefit of the public service.

R. T. MALLET,
Engineer-in-Chief.

PESHAWAR-JELLALABAD STATE RAILWAY.**NOTIFICATION.***Peshawar, the 23rd January 1880.*

No. 17.—Lieutenant R. C. Maxwell, R.E., Assistant Engineer, 2nd Grade, whose services have been placed at the disposal of the Military Department for field service, was relieved of his duties on this Railway on the afternoon of the 3rd January 1880.

J. BONUS, *Colonel, R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.**NOTIFICATION.***The 20th January 1880.*

No. 1.—With reference to Government of India, Public Works Department, Notification No. 476, dated 19th November 1879, Mr. C. L. Biscoe joined the Traffic Department of this Railway on the forenoon of the 15th October 1879.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

SINDIA-NEEMUCH STATE RAILWAY.**NOTIFICATION.***Neemuch, the 21st January 1880.*

No. 1.—With reference to Director General of Railways' Notification No. 49, dated 24th December 1879, Mr. W. B. Carter, Executive Engineer, 1st Grade, is posted to the charge of the 2nd Division of the Neemuch-Nussecrabad State Railway. Mr. Carter reported his arrival at Nussecrabad on the 9th instant.

HORACE BELL,
Engineer-in-Chief.

WESTERN RAJPUTANA STATE RAILWAY, Southern Section.**NOTIFICATION.***Ahmedabad, the 14th January 1880.*

No. 1.—Mr. A. E. Behrman, Assistant Engineer, 2nd Grade, attached to Marwar Division, is granted fifteen days' privilege leave from 19th instant, or from such subsequent date as he may avail himself of it.

W. H. PARKER,
Engineer-in-Chief, Southern Sec.,
Western Raj. State Railway.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The under-mentioned Students have passed the B. A. Examination :—

FIRST DIVISION.

In order of merit.

1	Chattopadhyay, Digambar	... Patna College.
2	„ Ramnath	... Presidency College.
3	„ Sureschandra	... Ditto.
4	Ghosh, Nagendranath	... Ditto.
5	Sibaprasad	... Agra College.
6	Gobindaprasad	... Muir Central College.
7	Bandyopadhyay, Kantibhushan	... Hugli College.

SECOND DIVISION.

In alphabetical order.

1	Basu, Jogendranath	... Presidency College.
	„ Jagadischandra	... St. Xavier's College.
	„ Prasannakumar	... Dacca College.
	Chakrabarti, Dwarkanath	... Presidency College.
	„ Harischandra	... Hugli College.
	Chattopadhyay, Bishnupada	... Ditto.
	„ Ramanimohan	... Presidency College.
	„ Sasibhushan	... Canning College.
	Chaudhuri, Suryyakumar	... General Assembly's Institution.
10	Das, Rasikchandra	... Canning College.
	DeMel, A. W.	... St. Thomas' College, Colombo.
	De, Narendralal	... Cathedral Mission College.
	Doran, E.	... St. Xavier's College.
	Ghosh, Satyakumar	... General Assembly's Institution.
	Ghoshal, Nabinchandra	... Presidency College.
	Goswami, Jadunath	... Ditto.
	Guin, Srinibas	... General Assembly's Institution.
	Gupta, Prasannakumar	... Rajshahye College.
	Lahiri, Chandrakanta	... Cathedral Mission College.
20	Mitra, Bhagabaticharan	... Hugli College.
	„ Nagendrachandra	... Ditto.
	„ Rajeswar	... Patna College.
	Mukhopadhyay, Binodlal	... Canning College.
	„ Nrityagopal	... General Assembly's Institution.
	„ Ramprasanna	... Presidency College.
	Rashakbihari	... Agra College.
	Ray, Kalimohan	... Presidency College.
	Sarkar, Biharilal	... Ditto.
	„ Gopalchandra	... Rajshahye College.
30	Sen, Chandicharan	... Presidency College.
	„ Chandrakanta	... Ditto.
	„ Saradaprasad	... Dacca College.
	„ Saratchandra	... Ditto.
	Sen Majumdar, Jadabchandra	... Ditto.
	Sinha, Purendranarayan	... Patna College.
36	Som, Trailokyanath	... Hugli College.

THIRD DIVISION.

In alphabetical order.

	Amarnath	... Canning College.
	Arndt, Geo.	... St. Thomas' College, Colombo.
	Awadhkisor	... Patna College.
	Bajpai, Benimadhab	... Canning College.
	Bandyopadhyay, Bipinbihari	... Ditto.
	„ Jagannath	... General Assembly's Institution.
	„ Kedarnath	... Patna College.
	„ Surendranath	... Presidency College.
	Bansidhar	... Agra College.
10	Basu, Girischandra	... Teacher.
	„ Nandakumar	... Dacca College.
	„ Nrityagopal	... Muir Central College.
	„ Trailokyanath	... General Assembly's Institution.

	Bhattacharyya, Jogneswar	...	General Assembly's Institution.
	Chaki, Beninadhab	...	Cathedral Mission College.
	Chakrabarti, Durgakanta	...	Hugli College.
	" Syamacharan	...	Free Church Institution.
	Chattopadhyay, Biharilal	...	Dacca College.
	" Isanchandra	...	General Assembly's Institution.
20	" Priyagopal	...	Hugli College.
	" Sanatan	...	Canning College.
	Chaudhuri, Dinanath	...	Presidency College.
	Choteylal	...	Canning College.
	Das, Akshaycharan	...	Presidency College.
	Datta, Jugalkisor	...	Hugli College.
	" Maheschandra	...	Dacca College.
	" Saratchandra	...	Presidency College.
	De, Anandamohan	...	Cathedral Mission College.
	Dwarkadas	...	Lahore College.
30	Fariduddin, Ahmad	...	Hugli College.
	Ghosh, Asutosh	...	Presidency College.
	" Atulechandra	...	Ditto.
	" Rajendralal	...	Ditto.
	" Sasikumar	...	General Assembly's Institution.
	Gupta, Umeshchandra	...	Ditto.
	Haldar, Basantakumar	...	Ditto.
	Hati, Banawarilal	...	Ditto.
	Karmakar, Hariprasanna	...	Dacca College.
	Krishnachandra	...	Benares College.
40	Laha, Nabadwipchandra	...	Dacca College.
	Maitra, Ambikacharan	...	General Assembly's Institution.
	" Rajendralal	...	Free Church Institution.
	Mitra, Abinashchandra	...	Presidency College.
	" Bankimchandra	...	Ditto.
	" Gopendrachandra	...	Hugli College.
	" Jadunath	...	Teacher.
	" Syamaldhan	...	General Assembly's Institution.
	Muhammad Ismail	...	Patna College.
	Mukhopadhyay, Abhaycharan	...	General Assembly's Institution.
50	" Charuchandra	...	Patna College.
	" Jegneswar	...	General Assembly's Institution.
	" Kaliprasanna	...	Patna College.
	" Phanibhushan	...	General Assembly's Institution.
	" Purnachandra	...	Muir Central College.
	Niblett, R. H.	...	Ditto.
	Pande, Hariram	...	Ditto.
	Ray, Amritlal	...	General Assembly's Institution.
	" Benibhushan	...	Presidency College.
	" Harinath	...	Krishnagpur College.
60	" Nagendranath	...	Cathedral Mission College.
	" Nikunjabihari	...	Hugli College.
	Sahu, Durgacharan	...	Katak College.
	Sarkar, Ramchandra	...	Dacca College.
	Sen, Annadacharan	...	Ditto.
	" Kailashchandra	...	Free Church Institution.
	" Sasibhushan	...	Presidency College.
	Sinha, Nirmalachandra	...	Ditto.
	Takrimuddin	...	Ditto.
69	Umr Bakhsh	...	Lahore College.

The under-mentioned Students have passed the Medical Examination :—

FIRST L. M. S. EXAMINATION.

In alphabetical order.

Das, Upendranath	...	Medical College.
Datta, Abinashchandra	...	Ditto.
Mukhopadhyay, Gopalchandra	...	Ditto.

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE, }
The 27th January 1880. }

ATTACHMENT of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Banks of the Bank of Bengal on the 15th January 1850.

[illegible]

Notes.—From 9th June 1871 to 15th Nov. 1879, introduced from India, 3,670 eggs; re-transferred from London, 3,199 larks.

"		"	"	"	"	6 "
"	16th Nov. 1879 to 30th Nov.	"	"	27 "	"	"
"	1st Dec " to 15th Dec.	"	"	32 "	"	2 "
"	16th " " to 31 st "	"	"	6 "	"	7 "
"	1st Jan. 1880 to 15th Jan. 1880	"	"	14 "	"	2 "
				<u>317 lakhs.</u>		<u>317 lakhs.</u>

Balance again: 10:12

PUBLIC DEPT OFFICE,
BANK OF BENGAL;
Calcutta, 27th January 1880.

R. HARDIE,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 27th January 1880.

LIABILITIES.				ASSETS.			
	Rs.	A.	P.		Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0	Government Securities	1,14,69,745	0	0
Reserve Fund	22,90,090	0	0	Loans on Government Securities, &c., at Head Office and Branches	71,31,714	8	9
	Rs.	A.	P.	Accounts of Credit on Government Securities, &c., at Head Office and Branches	60,53,111	11	5
Public Deposits at Head Office	67,13,368	7	8	Bills discounted and purchased at Head Office and Branches	1,50,35,037	5	3
Public Deposits at Branches	1,34,11,607	11	0	Balances with other Banks	6,18,801	11	6
Other Deposits at Head Office and Branches	3,59,52,463	11	10	Bullion	27,843	4	0
Bank Post Bills, &c.	11,16,343	12	0	Dead Stock	9,84,289	14	3
Sundries	10,88,208	13	4	Stamps	8,139	15	6
				Sundries	5,09,352	0	5
					4,18,38,035	7	1
					Rs.	A.	P.
				Cash and Currency Notes at Head Office	1,80,55,163	11	10
				Cash and Currency Notes at Branches	2,06,78,883	1	11
					3,87,34,047	0	9
					Rs.	A.	P.
					8,05,72,082	7	10
					Rs.	A.	P.
					8,05,72,082	7	10

BANK OF BENGAL,
Calcutta, 29th Jan. 1880.W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary,
Rate for Demand Loans 4 per cent.

By order of the Directors.

R. HARDIE,
Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.		CERTIFICATES ISSUED ON		BALANCE OF BULLION		Held on account of the Currency Department.	
	Rs.	P.	General Treasury.	Currency Department.	Under Assay.	Assayed.	Rs.	P.
1880.								
Jan. 19	2,40,739		2,40,739		100	86,63,014	37,06,574	
" 20	2,65,158		2,65,158		2,65,594	86,82,461	35,2,4734	
" 21			2,35,908		2,65,594	82,01,340	32,81,478	
" 22			3,22,063		2,65,594	81,09,459	29,77,586	
" 23			2,60,639	7	2,65,587	79,41,943	27,89,817	
" 24			60,934		2,65,587	77,76,970	27,23,908	

CALCUTTA MINT. } J. F. TENNANT, Col., R.F.,
The 27th Jan. 1880. } Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 29th January 1880 ... Rs. 1,74,97,011-8-8

W. WATERFIELD,
Treasurer to the Govt. of India.CALCUTTA, }
The 30th January 1880. }

Report of a Deserter from the 1-12th Regiment of Foot, dated at Nowshera, this 26th day of January 1880.

Number, Rank, and Name.—No. 32146.—490, Corporal Henry Charles Smith.
Age.—25 years 10 months.
Size.—5 feet 6 inches.
Color of —
Complexion, fair; hair, brown; eyes, hazel.
Date of Desertion.—18th January 1880.
Place of Desertion.—Um-balla.
Date of Enlistment.—15th March 1879.

At what Place Enlisted.—London.
Parish and County in which Born.—Brighton, Sussex.
Marks.—Scar on left chin, lower incisors in two rows.
Trade.—Clerk.
Coat or Jacket,—
Waistcoat,—
Breeches or Trowsers,—
REMARKS.—Had a pass to Agra, which expired on 17th January 1880.

A. J. R. HUTCHINSON, Lieut.,

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
231	D 18—18180	10	H. Prince, Esq., Bombay.
232	D 14—30295	20	Asutose Bhattacharjee, Ali-garh.
233	D 12—13474	5	The Commissioner of Inland
	D 14—28336	20	Customs, Agra.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
228	D 12—16530	5	Baboo Hem Chandra Mookerjee, Cawnpore.
229	D 11—40441	10	Mr. John Thomas, Bandikui.
230	D 18—15021	100	Santokh Chand Sidhikaran,
	"—45022	100	Indore.

ALLAHABAD, }
The 28th January 1880. }W. T. PIERCY, A. A. G.,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
1880.			
W4	M 25—15479	100	Lieut. J. Meade, Mardan,
	M 37—56214	100	Punjab.
W5	M 34—26159	20	Janardhan Bhabaji, Karwar.
W6	M 46—09630	50	Maria Felicidade Panet,

Bombay Circle—continued.**NOTES PARTIALLY LOST OR DESTROYED.**

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
116 ...	M 34—38927 ...	20	Mohun Singh, Barámato.
117 ...	M 35—92362 ...	50	Dorabji Rustomji and Co.,
	M 42—31507 ...	10	Ahmedábád.
118 ...	M 37—39233 ...	100	Máneckji Dossabhoj Frám- roze, Deolali.
120 ...	M 33—89236 ...	20	Major C. Baylay, Political
	M 8—0062 ...	5	Agent, Haraothi.
121 ...	M 8—46562 ...	5	J. Bourke, Surgeon-Major, Peshawar.
122 ...	M 47—93277 ...	10	Ruttonji Merwánji Mehta, Secunderabád.
123 ...	M 48—10176 ...	10	Máneckji Cursetji Narimán, Nasari.
M 4 ...	M 2—46968 ...	5	Liladhar Javerchand, Bom- bay.
	D 10—31815 ...		
M 5 ...	M 30—33105 ...	10	Vasantráya Dalpatram, Bom- bay.
	" —33107 ...		

BOMBAY,
The 27th January 1880.

W. WELLS,
Asst. Commissioner.

Calcutta Circle.**NOTES WHOLLY LOST OR DESTROYED.**

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
171 ...	O 67—01667 ...	100	Babu Brojo Kishore Dey.
172 ...	O 30—48361 ...	50	Messrs. Enamoolah & Co.
176 ...	O 55—43511 ...	20	Babu Mohanimohan Basu.
178 ...	O 72—97550 ...	1,000	Shaik Hossainee.
179 ...	O 73—18378 ...	1,000	Babu Sitaram Choudhuri.
	O 67—22113 ...	100	
	" —51153 ...	100	
	O 66—03114 ...	100	
380 ...	L 56—74825 ...	5	Babu Parbutty Churn Bose.
381 ...	O 55—71011 ...	20	The Post Master General, N. W. Provinces.
	A 10—39018 ...	20	
	L 29—27396 ...	5	
	L 56—44546 ...	5	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
438 ...	O 25—85859 ...	20	Lieutenant C. W. Ford.
	L 16—30795 ...	5	
440 ...	L 31—72576 ...	5	Mrs. E. Harvey.
441 ...	L 30—72453 ...	5	Abdool Aziz.
	" —72454 ...	5	
442 ...	L 15—93979 ...	5	Babu Rojonikant Ghosal.
443 ...	O 21—85423 ...	20	Raghee Nath Das Madan- gopal.
444 ...	A 82—25309 ...	20	Babu Nobin Chunder Roy.
	A 80—14492 ...	10	
445 ...	O 49—70338 ...	10	Babu Deno Nath Rokhit.
446 ...	O 67—03453 ...	100	Babu Shama Churn Moo- kerjee.
	O 34—96267 ...	100	
	O 30—80524 ...	50	
	O 57—25736 ...	20	
	" —10688 ...	20	
	O 25—85146 ...	20	
127 ...	L 25—50590 ...	5	Mr. J. Reynolds.
	L 21—18957 ...		
128 ...	O 58—39694 ...	20	The Chief Pay Master, E. I. Railway, Calcutta.
	O 57—92580 ...		
129 ...	A 96—48382 ...	10	Babu Ananto Lal Mullick.
	L 59—49533 ...		

CALCUTTA,
The 30th January 1880.

R. A. STERNDALÉ,
Assistant Commissioner of Paper Currency.

Coconada Circle.**NOTE WHOLLY LOST OR DESTROYED.**

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 11—27133 ...	20	C. Ghontiah, Draughtsman, Eastern Delta Division Office, Kistna.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 10—29360 ...	10	Goodivada Swamy, Chetti- pott, Godavary District.

COCONADA,
The 14th January 1880.

Actg. Depy. Collr., in charge of Paper Currency.

Lahore Circle.**NOTES WHOLLY LOST OR DESTROYED.**

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
4 ...	E 8—22787 ...	5	Ahmud Jan, Loodianah.
	E 12—84334 ...	20	
5 ...	E 15—56677 ...	50	The District Superintendent of Police, Delhi.
6 ...	E 13—55932 ...	100	The Honorable J. S. Napier, 92nd Highlanders, Cabul.
	" —55935 ...	100	
	" —55942 ...	100	
	" —55939 ...	100	
	" —55910 ...	100	
	" —55937 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
2 ...	E 15—57947 ...	50	Daryao Singh, Lahore.
13 ...	E 13—54150 ...	100	Polo Mull, care of Batalia Ram, Office of Inspector General of Registration, Lahore.
	" —58702 ...	100	
	" —55782 ...	100	
136 ...	E 8—17520 ...	5	Juggut Singh, Lahore.
4 ...	E 13—32272 ...	100	Munda Singh of Keerka, Zillah Lahore.
	" —32271 ...	100	

* Wrongly joined.

LAHORE,
The 24th January 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.**NOTES WHOLLY LOST OR DESTROYED.**

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
97 ...	B 56—68422 ...	10	T. Saravanamutu Pillai, Srivilliputur Taluq, Tin- nevelly District.
98 ...	B 57—35530 ...	20	T. G. Krishna Rao, Srivilli- putur, Tinnevelly District.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
196 ...	B 59—75804 ...	100	Srinivassa Mudali, Mutiah Mudali Street, Madras.
197 ...	B 40—26134 ...	5	Mr. M. Burgury, Pondi- cherry.
198 ...	B 56—54785 ...	10	N. Krishna Rao, Chicka- ballapura.
199 ...	B 40—55666 ...	5	Messrs. Mohidin Sahib & Co., Poplum's Broadway, Madras.
	B 56—65806 ...	10	

FORT SAINT GEORGE,
The 19th January 1880.

H. S. GROVES,
Offg. Asstt. Acctt. Genl.,
in charge of Paper Currency Dept.,
for Offg. Commissioner.

Nagpur Circle.**NOTES PARTIALLY LOST OR DESTROYED.**

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
1879-80.			
H 32 ...	F 7—93014 ...	10	Goolab Chand-Oswal, Ajmere.
H 31 ...	F 8—64124 ...	20	Lachman Lal, of Beja Serai in Monghyr.
	" —64121 ...	20	

NAGPUR,
The 22nd January 1880.

W. D. COWLEY,
Asst. to Depy. Acctt. Genl.,
in charge of Currency Office.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th January 1880.

The route for the correspondence addressed to the United Kingdom *via* Southampton will be abolished after the 1st February 1880, and ordinary and registered correspondence addressed to the United Kingdom and countries served through it will thereafter be forwarded *via* Brindisi at the rates of postage given below.

Soldiers' and Seamen's correspondence prepaid for transmission *via* Brindisi will be forwarded by that route, but such correspondence prepaid at the lower (9 pies) rate will be forwarded from India to the United Kingdom, Gibraltar, Malta, and Cyprus by private vessel. Letters so sent by private vessel cannot be registered and must be prepaid.

2. The revised rates given below will appear in the Postal Abstract to be issued in February next; the Postal Guide, however, will not be republished before April next:—

COUNTRIES, &c.	Each Letter per $\frac{1}{2}$ oz.	C Each Post-card.	PRINTED PAPERS, INCLUDING BOOKS, &c.		LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET.		SAMPLES. EACH PACKET.
			C Each Newspaper per 4 ozs.	Each Packet per 2 ozs.	Not exceeding 4 ozs.	Per 2 ozs. additional.	
C denotes compulsory prepayment.	As.	As.	As.	As.	As.	As.	As.
United Kingdom <i>via</i> Brindisi	4 $\frac{1}{2}$	2	1 $\frac{1}{2}$	1 $\frac{1}{2}$	3	1 $\frac{1}{2}$	1 $\frac{1}{2}$
United Kingdom, <i>soldiers' and seamen's letters only, via</i> Brindisi*	1 $\frac{3}{4}$	...	...	...	...	...	...
United Kingdom, <i>soldiers' and seamen's letters only, via</i> Mediterranean Sea*	C 4	...	...	...	...	...	...
Gibraltar, Malta, and Cyprus, <i>soldiers' and seamen's letters only, via</i> Mediterranean Sea	C 4	...	...	...	...	...	...
Any Union Country (see List of Union Countries in Postal Abstract) when addressed <i>via</i> Brindisi through United Kingdom	C 4 $\frac{1}{2}$	2	1 $\frac{1}{2}$	1 $\frac{1}{2}$	3	1 $\frac{1}{2}$	1 $\frac{1}{2}$
Any Union Country by any route except the above†	3	1 $\frac{1}{2}$	1	1	2	1	1
Africa, West Coast, except <i>Liberia</i> and <i>British, French, Spanish, Dutch, and Portuguese</i> Possessions, Ascension, <i>via</i> Brindisi through United Kingdom	C 9	...	2	2	4	2	2
Cape of Good Hope, Natal, Delagoa Bay, <i>via</i> Brindisi through United Kingdom	9	...	2	2	4	2	2
Bolivia, Chili, Ecuador, Nicaragua, <i>via</i> Brindisi through United Kingdom	C 14	...	2 $\frac{1}{2}$	2 $\frac{1}{2}$	5	2 $\frac{1}{2}$	2 $\frac{1}{2}$
Costa Rica, Guatemala, Hayti, United States of Columbia, Uruguay, <i>via</i> Brindisi through United Kingdom	C 14	...	2	2	4	2	2
Hawaii <i>via</i> Brindisi through United Kingdom	C 6	...	2 $\frac{1}{2}$	2 $\frac{1}{2}$	5	2 $\frac{1}{2}$	2 $\frac{1}{2}$
Paraguay <i>via</i> Brindisi through United Kingdom	C 9 $\frac{1}{2}$	...	3	3	6	3	3
St. Helena, West Indies (other than Union Islands), <i>via</i> Brindisi through United Kingdom	14	...	2	2	4	2	2

* Soldiers' or Seamen's letters addressed to countries or places served through the United Kingdom are charged at the rates shewn above; but if the place be *foreign (not British)*, the letters will be liable to additional foreign postage on delivery.

† The letter rate to Ceylon and Persia, however, is 2 annas per $\frac{1}{2}$ oz. (see Postal Abstract).

L. G. WAIT,
for Dir. Genl. of the Post Office of India.

The 30th January 1880.
SEA AND OVERLAND MAILS.

For	Box closes at	Date.	Per
Persian Gulf	6 P. M.	31st Jan. 1880.	From Bombay.
Madras, Ceylon and the Intermediate Ports.	6 "	2nd Feb.	Str. <i>Khandalla</i> .
Madras and Ceylon	6 "	2nd "	P. & O. Str. <i>Poonah</i> .
Overland Mail via Bombay	6 "	4th "	From Bombay.
Do. Book post and pattern packets	6 "	3rd "	Do. do.
Rangoon, Moulmein and Straits	6 "	5th "	Str. <i>Comilla</i> .
Akyab	6 "	6th "	Str. <i>Khwa</i> .
Chittagong and Bassein	6 "	6th "	Str. <i>Madras</i> .
Persian Gulf	6 "	7th "	From Bombay.
Madras, Ceylon, Singapore, Batavia and China	6 "	7th "	F. Str. <i>Meinam</i> .

* Letters to Madras intended for despatch per P. & O. Steamer may be prepaid at the Indian inland rate of postage and to Ceylon may be prepaid at the Indian packet rate, viz., two (2) annas per ½ oz.

No Registered Letters to Madras and Ceylon will, however, be received for despatch by the above steamer.

N. B.—The Letter Box will close at 6 P.M. precisely, after which hour Overland Letters fully prepaid and bearing an extra postage stamp of two (2) annas on each cover will be received up to 6-30 P.M., or bearing an extra postage stamp of four (4) annas up to 7 P.M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 30th January 1880.

Abbott, Henry W.	Dundas, D. H. R.	McCauley, James.
Agnilar, Miss.	Frank, Mrs.	Melvor, Mrs.
Anderson, George.	Gonsalves, F. E.	Martin, J. P.
Anderson, Miss M. Ida.	Grant, G. A.	Morris, R.
Blackhall, W.	Gregory, A.	Nash, Mrs.
Blagdon, G.	Hatwell, W. L.	Noyes, D. E. H.
Bowen, E. A.	Hoffman, Capt. J.	Reed, Mrs. J.
Briggs, P. F.	Hickson, T.	Sanson, G. A.
Briscoe, Miss.	Holborn, Miss E.	Smart, Mrs. C. A.
Chappnet, J.	Holborn, Miss Lily.	Stuart, A.
Collis, W.	Hughes, J. R.	Sweetman, Miss B.
Cole, C. H.	Kelly, Mrs.	Taylor, William.
Cullen, A.	Kempanni, Proferia.	Thrope, P. F.
Davidson, J. Y.	King, Captain H. W.	Wallace, G.
Davidson, W.	Latham, W. H.	Walnut, R.
Dickson, C. A.	Lyne, J. P. Hicks.	Walker, Mrs. E.
Dudman, R. H.	Macleod, F. S.	Wilkinson, T.
Duncan, G.		

Letters marked "Care of Post Office, to be kept till called for."

Akhoy Kumar Sandial.	Gasper, E. (Police Inspr.)	Rose, Donald.
A. H. M.	Gordon, David.	Rose, E. T.
Bank, Thos.	Gordon, F. A.	Ruddle, Mrs.
Begley, Mrs. Mary Ann.	Grey, Mrs. E.	Sandeman, H. A.
Beyne, Monsieur Frity	Hallowell, J. A.	Sandford, J. R.
Breck, A.	Hammond, C. A.	Scott, J. W.
Brown, Geo. (Ship Capt.)	Hing, Mrs. Eliza.	Schiavone, Sigr. Carmelo.
Campbell, C.	Holt, Mrs. C.	Schneider, Oswald Herrn.
Chuckerpanny	Jellitt, J. H. (Royal Art.)	Shaw, C.
Clare, Miss.	Karkoo Ramdeen	Shaw, C. J.
Clements, Miss Bella.	Jaffola.	Silva, Harold.
Clifton, Mrs. G.	Kennedy, V. Shaw.	Simpson, J. M.
Coker, H.	Kerkovins, R.	Smith, W.
Common, Charles.	King, Edward.	Spenser, Robert.
Corindah, Mrs.	Jawler, James.	Stoker, Master H. W.
Coton, George.	Lee, J. D.	Stuart, Mrs. W.
Craig, E. R.	Lewis, Charles.	Sutton, Revd. G.
Craine, W.	Lord, Harry.	Sutton, Capt.
Crodiero, Antonio E.	Mackenzie, J. M.	Swire, H. (102nd R. F.)
C. A.	Maller, Otto.	Tindal, L. W.
Dalrymple, Walter F.	Martin, Frank.	Vincent, F. (Forest Department.)
Davis, Robert R.	Massa, Franco.	W. W.
D'Arcy, F.	McWilliams, J.	Wahab, E.
D'Cruz, Emile.	Miller, Mrs. A.	Wheeler, W.
Deardan, W.	Mills, C. S.	White, Charles.
Donovan, D.	Morrison, J.	White, Mrs. J.
Dyer, James.	Otool Kisto Mitter.	Whitmore, H. B. W.
Ferrier, Monsieun.	Putsch, Henry.	Williams, W. J.
Fitzgerald, T. S.	Raymond, Victor.	Wood, C.
Flower, Marcus.	Read, R.	Wood, H.
Forster, Capt. C.	Rix, Geo. R.	X.
Garden, Dr.	Robinson, Mrs. J. C.	

Newspapers.

Dalrymple, W. F.	Lewis, Charles.	Putsch, H.
Fotheringham, J.	Marshall, —	Scott, J. W.
Jellitt, J. H. (S.A.)		

Registered Letters.

DeRenzie, J. H. (Exo. Engr.)	Olson, L. (Engr.)	Swanson, James.
Faushame, W. E. B.	Peterson, C. F.	Thomson, John.
Heuy, C.	Schiavoni, Camelo.	Yeates, T. S. M.

E. C. GEORGE,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin, *Rs. 5-8*; per eight ounce tin, *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

بہہ دوا کوئینائین کے خوب فایم مقام ہی اور کلکتہ کے بوٹانیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیوے اونکے ہر کوئی ایک مشیت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونسی کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونسی کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ ،

اور عوام الناس بوٹانیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونسی تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونسی کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ ،

بہہ دوا کلکتہ کے بڑے بڑے وایتی اور دیسی دواخانوں میں بکرتی ہی ماسیوے قیمت مذکورہ بالا کے محصول ڈاک چار اور آٹھ اونسی کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ ،

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The under-mentioned Government Promissory Notes, originally standing in the name of C. Singanah Chetty, payable to Hormasjee Bomanjee Cama & Co., and Bunseelal Aberehund, and last endorsed to Gopauldoss Girderdoss, administrator to the estate of the late Girderdoss Virjeelaldoss, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor :—

Duplicate No. 263 of 1828-29, for Sicca Rs. 200.

No. 001100-733 of 1832-33, for Sicca Rs. 800.

GOPAULDOSS GIRDERDOSS,
*Residing in Mint Street,
Souccarpet, Madras.*

Lost or Stolen

On the 18th January 1880, between Sodepore and Sealdah, a Government Promissory Note, No. 089640 of the 4 per cent. loan of 1st May 1865, for Rupees 1,000, standing in the name of Bhubun Mohini Dossi, and endorsed over by her to Ram Loll Mitter of Pancehatti, the proprietor, by whom it was never endorsed to any other person. Payment of the note and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAM LALL MITTER.



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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th January, 1880, and is hereby promulgated for general information :—

ACT NO. II OF 1880.

THE BURMA DISTRICT CESSES AND RURAL POLICE ACT, 1880.

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An Act to amend the law relating to District Cesses and Rural Police in British Burma.

WHEREAS it is expedient to make better provision in British Burma for the maintenance of Rural

Police and of a local postal service, the construction of works of public utility, sanitary improvement, and the promotion of education ;

and whereas it is also expedient to declare and amend the law relating to Rural Police in the said Province ; It is hereby enacted as follows :—

Preliminary.

1. This Act may be called "The Burma District Cesses and Rural Police Act, 1880" :
Short title.

and it shall come into force on such date as the
Commencement. Chief Commissioner of British
 Burma may, by notification
 in the local Gazette, direct.

It extends to all the territories for the time
Local extent. being administered by the
 said Chief Commissioner :

Provided that the said Chief Commissioner may,
 from time to time, by notification in the local
 Gazette, exempt any portion of the said territories
 from its operation and cancel such exemption :

Provided also that nothing herein contained
 applies to any town to which the British Burma
 Municipal Act, 1874, for the time being extends.

2. In this Act, unless there is something
Interpretation-clause. repugnant in the subject or
 context,—

“land-revenue” means revenue assessed upon
 land under the provisions of the Burma
 Land and Revenue Act, 1876 : and

“revenue-officer” means any person appointed
 a revenue-officer under the same Act.

3. The following portions of the said Burma
Repeal. Land and Revenue Act,
 1876, are repealed (namely)
 sections 31 and 32, in sections 37 and 46 the
 words “five per cent. cess,” and the word “cess”
 wherever it occurs in the said Act ; but all cesses
 imposed under that Act shall be deemed to have
 been imposed under this Act.

Cesses.

4. On all lands assessed to land-revenue there
Cess on land. shall be levied in addition
 thereto an annual cess of ten
 per cent. on the amount of such revenue.

5. In every town, village or hamlet in which at
Saving of existing house-tax. the date on which this Act
 comes into force a house-tax
 is levied, such tax shall continue to be levied.

6. The Chief Commissioner may from time
Cess on houses. to time, by notification in the
 local Gazette, direct that in
 any specified town, village or hamlet there shall be
 levied from the occupier of each house an annual
 cess, to be fixed in manner hereinafter provided,
 but which shall in no case exceed two rupees :

Provided that such cess shall not be levied—

(a) in any place in which the house-tax referred
 to in section five is levied, or

(b) in respect of any monastery, pagoda, sacred
 building, Government-building, public rest-house
 or school :

Provided also that in respect of any house occu-
 pied by a person bound to pay cess under section
 four no larger amount shall be levied under this
 section than will, together with the cess so pay-
 able by such person, amount to two rupees.

“House” in this section means any building
 used as a human dwelling or for the custody of
 property.

7. The Chief Commissioner may from time to
 time, by notification in the
Power to abolish or exempt from cess or tax. official Gazette, direct that
 any tax or cess levied in any
 place under section five or section six shall cease, or
 that any person or class of persons shall be
 exempted from the whole or any specified part of
 such tax or cess.

8. Subject to the other provisions of this Act
Powers of Deputy Commissioner. and to any rules made here-
 under and for the time being
 in force, the Deputy Commissioner of the district
 may from time to time—

(a) declare what shall for the purposes of this
 Act be held to be a house ;

(b) fix the amount of cess to be levied in
 respect of each house ;

(c) remit such cess in whole or in part.

9. A separate account shall be kept for
Purposes to which funds are to be applied. each district of all cesses
 and house-tax levied under
 this Act in such district ;
 and such cesses and tax shall be appropriated in
 each year in that district, in such proportions as
 the Chief Commissioner may from time to time
 direct, to all or any of the following local objects
 (namely) :—

(a) the maintenance of the Rural Police appoint-
 ed under this Act ;

(b) the maintenance of a local postal service ;

(c) the construction and maintenance of dis-
 trict-roads and other communications, and the
 improvement of river-channels ;

(d) other works of public utility ;

(e) sanitary improvement ; and

(f) the promotion of education :

Provided that the Chief Commissioner may, on
 the thirty-first day of March in any year, transfer
 the whole or part of any balance then standing
 under either of the heads (b) or (c) in the account
 of any district to the corresponding head in the
 account of any other district in the same division.

10. All cesses and house-tax levied under this
Time and mode of pay- ment of cesses, &c. Act shall be payable for the
 year of assessment of land-
 revenue as fixed under the Burma Land and
 Revenue Act, 1876, section 41, and shall be pay-
 able at the place at which and to the person
 to whom the land-revenue is from time to time
 payable, or at such other place and to such other
 person as the Chief Commissioner may direct.

Sums assessed on the amount of land-revenue
 shall fall due on the date on which the land-reve-
 nue falls due.

Sums assessed on houses shall fall due on such
 dates as the Chief Commissioner may from time
 to time in that behalf direct.

11. All sums assessed under this Act on the
Realization of cesses, &c. amount of any land-revenue
 may be recovered as if they
 were part of such revenue.

All other sums payable under this Act may be
 recovered in the manner prescribed in sections 44
 and 45 of the Burma Land and Revenue Act,
 1876.

*Rural Police.***Rural Police.**

12. The Rural Police shall be of two classes—

(a) headmen of hamlets or groups of hamlets, or of villages or towns, or sections of villages or towns, hereinafter called headmen;

(b) headmen of circuits, hereinafter called goungs.

13. Subject to the rules made under this Act and for the time being in force, the Deputy Commissioner of the district shall have power to appoint, suspend and remove headmen and goungs, and to fix the limits of the beats of headmen and the circuits of goungs:

Provided that all kyaydangyees and yazawut goungs holding office as such in any local areas on the date on which this Act comes into force shall be deemed to be respectively headmen and goungs appointed under this Act, and such local areas shall be deemed to have been fixed as their beats and circuits respectively under this Act.

Duties of headmen.

14. Every headman shall perform the following duties

(namely):—

(a) he shall give immediate information to the goug of the circuit in which his beat is situated, or the officer in charge of the police-station appointed for his beat, of all disputes within his beat which may come to his knowledge and which are likely to lead to any riot or serious affray:

(b) he shall report to the goug or police-officer aforesaid the arrival in or in the neighbourhood of his beat of suspicious characters and of persons who have been convicted under the Indian Penal Code, chapter XII (*of offences relating to coin and Government-stamps*) and chapter XVII (*of offences against property*), and the movements of all bad characters within his beat:

(c) he shall report to the goug or police-officer aforesaid all breaches of laws and rules relating to excise and opium which occur within his beat and come to his knowledge:

(d) he shall to the best of his ability supply any local information which any Magistrate or revenue-officer or officer of police may require, and promptly execute all lawful orders issued to him by or by authority of the Deputy Commissioner:

(e) he shall attend the revenue-officer of the circle, so long as such officer is within his beat, for the purpose of assessing or collecting land-revenue, cesses or taxes, and shall give him all available information regarding the cultivation of land and other matters relating to the revenue:

(f) he shall, in accordance with such rules as may from time to time be made by the Chief Commissioner, keep up a register of all births, marriages and deaths within his beat, and collect and register any other vital statistics which may be prescribed by such rules:

(g) he shall afford all assistance in his power to Government-officers, and on the order of the Deputy Commissioner to other persons, in procuring food, labour, carriage and other requisites of travel.

15. The duties of a goug in respect of his circuit shall, *mutatis mutandis*, be the same as those of

Duties of goungs.

a headman in respect of his beat.

16. For the purpose of preventing the commis-

Power of headmen and goungs to demand help.

sion of any offence or arresting any offenders whom he is authorized to arrest, any headman or goug may require any male person between the ages of eighteen and sixty within his beat or circuit at the time to assist him in preventing the commission of such offence or in making such arrest, and in guarding and escorting the person arrested.

Every person as aforesaid shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be bound

to comply with any requisition made to him under this section.

Powers and duties of police-officers may be conferred and imposed on headmen and goungs.

17. The Chief Commissioner may from time to time, by notification in the local Gazette, make rules consistent with this Act—

(a) conferring upon headmen and goungs any powers, protection or privileges which may be exercised or enjoyed by a police-officer under any enactment for the time being in force;

(b) imposing upon headmen and goungs any duties imposed on a police-officer by any enactment for the time being in force; and

(c) regulating the exercise, enjoyment and discharge of such powers, protection, privileges and duties by such headmen and goungs.

Penalties for breach of duty.

18. Every headman or goug who—

(a) is guilty of cowardice or of wilful misconduct in his office, or of neglect of duty; or

(b) except with the permission of the Deputy Commissioner, withdraws from the duties of his office without having given to the Deputy Commissioner at least two months' notice of his intention to withdraw from such duties; or

(c) offers any unnecessary personal violence to any person in his custody,

may, in addition to any other penalty to which he may be liable, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or both.

No complaint against a headman or goug of any act or omission punishable under this section shall be entertained by any Court unless the prosecution is instituted by order of or under authority from the Deputy Commissioner.

19. No prosecution against any person for anything purporting to be done under section fourteen, fifteen or sixteen, or under any rule made in exercise of the powers conferred by section seventeen, shall be commenced after the expiration of three months next after the act complained of has been committed.

No suit shall be brought for anything so purporting to be done until the expiration of one month next after notice in writing has been delivered at the residence of such person, or at the office of the Deputy Commissioner of the district in which the act was done, stating the cause of suit and the name and place of abode of the plaintiff.

If any person to whom any such notice of suit is given shall before such amendment is brought tender sufficient amends to the plaintiff, such plaintiff shall not recover.

20. No prosecution shall be instituted against any headman or goong for any act done by him in such capacity, under the authority of a warrant issued by a Magistrate, notwithstanding any defect of jurisdiction in such Magistrate.

Miscellaneous.

21. If within or in the immediate neighbourhood of any town, village or hamlet a dacoity or a robbery is committed or attempted, or dacoits or robbers are harboured, sheltered or assisted, and if the inhabitants of such town, village or hamlet without reasonable excuse fail to render active assistance in preventing the offence or in arresting and securing the offenders, the Chief Commissioner may, after such enquiry as he deems necessary, impose upon such town, village or hamlet, or upon any section thereof, a fine, to be assessed upon the inhabitants according to his judgment of their respective means and of the circumstances of the case.

22. For the purposes of this Act, the Chief Commissioner may from time to time, by notification in the local Gazette, invest any revenue-officer with any of the powers, and impose on him any of the duties, with which he may invest him or which he may impose upon him under the Burma Land and Revenue Act, 1876, and the rules framed under it.

23. All proceedings of any Deputy Commissioner or revenue-officer under this Act shall be subject to control, revision and alteration by the Commissioner to whom he is subordinate and by the Chief Commissioner.

24. The Chief Commissioner may from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

All such rules and all other rules made under this Act shall be published in the local Gazette, and shall thereupon have the force of law.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Dept.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th January, 1880, and is hereby promulgated for general information :—

ACT No. III OF 1880.

THE CANTONMENTS ACT, 1880.

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An Act to amend the law relating to Cantonments.

WHEREAS it is expedient to amend the law relating to cantonments; It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Cantonments Act, 1880."
2. This section, section two and section twenty-four apply to the whole of British India. The remaining portions of this Act extend to the whole of British India except the territories respectively administered by the Governor of Fort St. George in Council and the Governor of Bombay in Council. The Governor of Fort St. George in Council or the Governor of Bombay in Council may, by notification in the official Gazette, extend any such portion to any place under his administration; and, from the date on which any such portion is so extended to any place such of the enactments for the time being in force in such place as are in any way inconsistent with, or repugnant to, such portion shall cease to have effect in such place.

Enactments inconsistent with this Act in Madras and Bombay cantonments.

2. Act No. XXII of 1864 (*to provide for the administration of Military Cantonments*) is hereby repealed; but all orders, declarations, rules and regulations made, powers conferred, and Courts established under that Act, shall be deemed to be respectively made, conferred and established under this Act.

All references to the said Act No. XXII of 1864 in enactments passed subsequently thereto shall be read as if made to this Act.

CHAPTER II.

CRIMINAL JURISDICTION.

3. Every person invested by the Local Government, under the Code of Criminal Procedure, with the powers of a Magistrate of the first class within the limits of any cantonment, shall be styled the Cantonment Magistrate, and shall be deemed a Magistrate in charge of a division of a district within the meaning, and for the purposes, of the said Code.

4. Every person invested by the Local Government, under the provisions of the said Code, with the powers of a Magistrate of the second or third class within the limits of any cantonment, shall be styled the Assistant Cantonment Magistrate.

CHAPTER III.

CIVIL JURISDICTION.

5. Whenever the Local Government establishes within the limits of any cantonment a Court of Small Causes under Act No. XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature*), the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established.

The Local Government shall declare and may from time to time alter the pecuniary limit of the jurisdiction of every such Court, but such limit shall in no case exceed five hundred rupees.

6. The Local Government may invest any Assistant Cantonment Magistrate with the powers of a Judge of a Court of Small Causes to try suits instituted in any Court referred to in section five; provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty rupees.

7. All the provisions of the said Act shall be applicable to every such Court, and to all suits instituted in any such Court, except as is herein otherwise provided.

8. Whenever a Court of Small Causes is established in any cantonment, the jurisdiction exercised in such cantonment by any

officer under Act No. III of 1859 (*for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates*) shall cease and so much of any Act as authorises the commanding-officers of stations or cantonments to convene military courts of requests for the trial of actions of debt and other personal actions, shall cease to have effect within the limits of such cantonment.

CHAPTER IV.

POLICE.

9. The Police-force employed in any cantonment shall be deemed to be part of the general Police-force under the Local Government in whose territories such cantonment is situate, within the meaning of Act No. V of 1861 (*for the Regulation of Police*), section two, and all the provisions of the said Act shall be applicable to such force.

The administration of the Police within the limits of any cantonment in which there is a Cantonment Magistrate shall be vested in the District Superintendent subject to the general control and direction of the commanding-officer of such cantonment.

10. The Local Government may extend section thirty-four of the said Act No. V of 1861 to any cantonment situate in the territories administered by such Government.

11. The commanding-officer of a cantonment may send any process requiring service or execution by any means not immediately at his disposal to the chief Police-officer in the cantonment for service or execution through the cantonment-police; and the said chief Police-officer shall serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

12. The Local Government may, by notification in the official Gazette, extend the provisions of Act No. XX of 1856 (*to make better provision for the appointment and maintenance of Police Chaudidars in Cities, Towns, Stations, Suburbs and Bázars in the Presidency of Fort William in Bengal*), to any cantonment to which a Cantonment Magistrate may be appointed; and the Cantonment Magistrate of any cantonment to which the said Act is so extended may exercise all the powers vested in a Magistrate by that Act subject only to the control of the Magistrate of the District and the Local Government.

Whenever any such Cantonment Magistrate is absent, or when his office is temporarily vacant, the Magistrate of the district shall, during such absence or until the Local Government fills up the vacancy, carry out the provisions of the same Act when so extended as aforesaid.

13. The Local Government may order that any cantonment to which the provisions of the said Act No. XX of 1856 are extended

shall be divided into any number of cantonment-divisions, and may determine the nature of the tax to be levied in each such division according to section ten of the same Act.

CHAPTER V.

SPIRITUOUS LIQUORS.

14. If within any cantonment, or within any limits around such

Unauthorized sale of spirituous liquor.

cantonment prescribed by the Local Government, any person

not amenable to the Articles of War, or any sutler or camp-follower, knowingly barter, sell or supply, or offers or attempts to barter, sell or supply, any spirituous liquor, wine or intoxicating drug to, or for the use of, any European soldier, or to or for the use of any European or Eurasian being a camp-follower or a soldier's wife, without a written license from the Officer Commanding or from some person authorized by the Officer Commanding to grant such license, the person so bartering, selling or supplying, or offering or attempting to barter, sell or supply, such liquor, wine or drug, shall be liable on conviction to fine which may extend to one hundred rupees, or to imprisonment for a term which may extend to three months, or, in lieu of such fine or imprisonment, to the punishment of whipping, as prescribed for offences under section 2 of Act No. VI of 1864 (*to authorize the punishment of whipping in certain cases*), subject to all the provisions of that Act.

15. If any person convicted of an offence under

Presumption in case of second conviction.

section fourteen is again convicted of an offence under that section, any spirituous

liquor, wine or intoxicating drug within such cantonment or limits which, at the time of the commission of such subsequent offence, belongs to him, or is in his possession shall, without further proof, be deemed to be in his possession for the purpose of being supplied to European soldiers contrary to the provisions of this Act.

16. If within such cantonment or limits any

Penalty on certain persons having in possession within cantonments more than certain quantity of spirituous liquor, &c., without permit.

camp-follower or military pensioner, or the wife or the widow of any soldier, camp-follower or military pensioner, removes, conveys or

has, in his or her possession, any quantity of spirituous liquor or wine exceeding one ser or quart, without a permit to be signed by the officer in command, or such other officer as may be appointed by him to grant permits under this Act, every such person shall be liable upon conviction to fine which may extend to fifty rupees, and for any subsequent offence to fine which may extend to one hundred rupees, or to imprisonment for a term which may extend to three months: provided that nothing in this section contained shall apply to any liquor brought into a cantonment for the private use of any commissioned officer.

17. If any person subject to the provisions

Arrest of offenders under section 14 or 16, and seizure of spirituous liquor, &c.

of this Act is found committing any offence contrary to section fourteen or section sixteen, any Police-officer may

immediately without warrant arrest such person, and also seize any spirituous liquor, wine or intoxicating drug, together with any vessel containing the same, and anything used for the purpose of removing, conveying or concealing the same, which may be found in his possession, and shall thereupon without delay take such person, together with the things so seized, before the Cantonment Magistrate or other officer having jurisdiction to punish the offender.

18. In case of a conviction for any offence under

Confiscation of such section fourteen or section liquor, &c. sixteen, the Cantonment

Magistrate or other officer may adjudge any liquor, wine or intoxicating drug in respect of which the accused is convicted, and any other spirituous liquor, wine or intoxicating drug found in his possession at the time of committing the offence, and any vessel containing the same, together with anything used for the purpose of conveying, removing or concealing the same or any part thereof, to be confiscated; and such Magistrate or officer may order the whole or any part or parts of any fine imposed under this Act to be paid, as soon as the same is realized, to the person upon whose information such conviction takes place, or to the officer who has apprehended the offender or seized any of the goods adjudged to be confiscated.

19. Anything seized under section seventeen in

Detention of property respect of which any person seized. is charged with an offence under this Act may be ordered to be detained until the person in whose possession the same has been seized is convicted or acquitted of the offence charged.

If such person is acquitted, anything so seized shall be restored; if he is convicted, such of the things only, if any, as are not adjudged by the Cantonment Magistrate or other officer to be confiscated shall be restored: the remainder shall be dealt with as confiscated.

20. The foregoing sections shall not apply to

Saving of articles sold the sale or supply of any or supplied for medicinal article for medicinal purposes. purposes by recognized medical practitioners, chemists or druggists.

CHAPTER VI.

MUNICIPAL TAXATION.

21. The Local Government may from time

to time, with the previous sanction of the Governor-General in Council, by notification in the official Gazette, impose in any cantonment any tax which, under any enactment in force at the date of such notification, can be imposed in any municipality within the territories administered by such Government, and may, with the like sanction and by a like notification, abolish any tax so imposed.

22. When any tax is leviable in a canton-

ment under section twenty-assessment and collection one, the Local Government of taxes. may from time to time, by notification in the official Gazette, apply or adapt

to such cantonment the provisions of any enactment or rules in force at the date of such notification for the assessment and recovery of any tax in any municipality within the territories administered by such Government.

23. The proceeds of all taxes levied in any cantonment under section twenty-one shall, after defraying therefrom the cost of assessing and collecting the same, be applied in such cantonment, under the directions of the Local Government, to the maintenance of the Police-force and the carrying out of measures under the rules made under section twenty-five.

24. Notwithstanding anything contained in any enactment for the time being in force, the Governor-General in Council may, by an order in writing, prohibit the levy of the whole or any part of any tax in any cantonment, or exempt any person by name or in virtue of his office, or any class of persons, from the operation of any such tax, and may, by a like order, rescind any such prohibition or exemption.

CHAPTER VII.

SUBSIDIARY RULES.

25. The Local Government may from time to time make rules consistent with this Act to provide within the limits of any cantonment for the matters hereinafter mentioned.

The rules made under this section may be general for all cantonments in the territories administered by the Local Government making the same, or special for any one or more of such cantonments, according as the Local Government directs.

26. No rule made under section twenty-five shall have effect until the same has been confirmed by the Governor-General in Council. A copy of every such rule when so confirmed, in English and in the vernacular language chiefly in use, shall be hung up in some conspicuous part of the office of the Cantonment Magistrate, or in such other place as the Local Government or the commanding-officer directs.

27. The rules made under section twenty-five may provide for all or any of the following matters:—

1st—regulating, in cases in which the land within the limits of the cantonment is the property of Government, and the occupation and use of which by private persons is only permissive, the conditions under which such occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed;

2nd—maintaining proper registers of immoveable property within the limits of the cantonment, and providing for the registration of transfers of such property;

3rd—regulating the manner in which houses within the limits of the cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of military officers;

4th—regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the cantonment, or for carrying out any rules made under section twenty-five; and the appointment of the necessary servants and establishments;

5th—the definition and prohibition of public nuisances;

6th—the maintenance generally of the cantonment in a proper sanitary condition; the prevention and cure of disease; the management and regulation of the public roads, of conservancy and drainage; the regulation and inspection of public and private necessaries, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited, of slaughter-houses, public markets, burial and burning grounds, and of all offensive or dangerous trades and occupations;

7th—inspecting and controlling brothels and preventing the spread of venereal disease;

8th—the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

9th—the execution and promotion of works of public utility and convenience;

10th—the registration of deaths, and the making and recording observations and facts important for the public health and interest;

11th—the imposition of penalties on persons convicted of the breach of any rule made under section twenty-five, and declaring what persons shall make the preliminary inquiry into or take cognizance of any breach of such rules and the manner in which the investigation shall be conducted: provided that no penalty so imposed shall exceed a fine of fifty rupees, or imprisonment for eight days.

28. Breaches of any rule made under section twenty-five shall be triable by the Cantonment Magistrate when there is such an officer: but the Local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate.

There shall be no appeal in any case tried under this section; but every person trying any such case shall, for the purposes of Chapter XXII of the Code of Criminal Procedure, be deemed to be subordinate to the High Court, the Court of Session and the Magistrate of the District.

29. In every case in which an offender is sentenced to a fine for the breach of any rule made under section twenty-five, the amount may in case of non-payment be levied by distress and sale of any moveable property of the offender which may be found within the limits of the cantonment.

If no such property sufficient for the payment of the fine can be found, the offender shall be liable to simple imprisonment for any term which may extend to one month.

30. Nothing in this Act, nor in any rule made under section twenty-five, shall prevent any person from being prosecuted under any other enactment for any offence punishable under this Act, or from being liable under any other enactment to any other or higher penalty than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

31. Whenever it appears necessary for the protection of the health of the troops in any cantonment, the Governor-General in Council may extend to any place outside the limits of such cantonment, and in the vicinity thereof, all or any of the rules made for such cantonment for inspecting and controlling brothels and preventing the spread of venereal disease and make any additional rules consistent with this Act for providing for the same matters, and may define the limits around such cantonment within which such rules or additional rules shall be in force.

32. When such rules, with any additional rules made as aforesaid, are extended under section thirty-one to any place outside the limits of such cantonment, the Governor-General in Council may provide, in the manner described in clause eleven of section twenty-seven, for the imposition of penalties for the breach of such rules and for prescribing the manner in which, and the persons by whom, breaches of such rules shall be inquired into or be cognizable.

33. Whenever, in any cantonment, rules have been made under section twenty-five, so much of any enactment as may be held to empower the commanding-officer to make local regulations regarding matters other than military shall cease to have any effect in such cantonment, and all local regulations for any cantonment which may have been made before the promulgation of the rules for such cantonment

made under section twenty-five, shall cease to have any effect.

34. Nothing in the foregoing sections shall be deemed to affect the jurisdiction of Courts-martial, or of commanding-officers of cantonments or of regiments, corps or detachments under any Articles of War, or the provisions of any Statute for punishing mutiny and desertion of officers and soldiers in the service of Her Majesty in the East Indies; and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences.

Provided that, when a Cantonment Magistrate or other officer not being the commanding-officer has been invested by the Local Government with power within the limits of any cantonment to dispose of cases under any rule made under section twenty-five, the commanding-officer shall not exercise the powers described in clause (c) of Part III of the Indian Articles of War in respect of any case arising under such rule when such rules have been passed for such cantonment under section twenty-five and penalties have been laid down for their infringement.

The said rules shall be held to be the rules mentioned in the said last mentioned clause, and so much of the same clause as declares the penalties which may be inflicted for breach of cantonment-regulations shall cease from that time to have any effect in such cantonment.

35. The Local Government may from time to time prescribe rules for regulating the expenditure, for the general purposes of this Act, of any funds raised under the said Act No. XX of 1856. Such funds may be expended for the purpose of carrying out any measures under any of the rules made under section twenty-five or section thirty-one of this Act, in addition to or in lieu of the purposes described in section thirty-six of the said Act No. XX of 1856.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Dept.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th January, 1880, and is hereby promulgated for general information :—

ACT No. IV OF 1880.

An Act to give effect to the Convention between the Governors General of British India and Portuguese India regarding the Extradition of Criminals, and to the twentieth Article of the Treaty between Her Majesty and the King of Portugal and the Algarves.

WHEREAS, by the nineteenth article of the Treaty of Commerce and Extradition between Her Majesty and the King of Portugal and the Algarves, executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, it was provided that the High Contracting Parties should deliver up to each other those persons who, being accused or convicted of crimes committed in the Indian dominions or jurisdiction of the one party, should be found in the Indian dominions or jurisdiction of the other party, and that the circumstances and conditions under which, and the crimes for which, such persons should be delivered up should form the subject of a separate Convention between the Governors General of British India and Portuguese India, to be executed at the earliest date possible after the ratification of the said Treaty, and that such Convention should have the same binding character as the said Treaty, and should continue in force for the same period;

and whereas, in pursuance of the said article, the Convention set forth in the schedule hereto annexed has been executed.

And whereas by the twentieth article of the said Treaty it was provided that Commissions issued in criminal trials and enquiries by the judicial tribunals of the one party, for the examination of persons resident in the dominions of the other, should be executed according to the provisions of the laws of the dominions where the witness resides;

and whereas it is doubtful whether under the existing law of British India there is authority to give effect to all the provisions of the said Convention and of the said twentieth article;

It is hereby enacted as follows :—

1. The provisions of the said Convention shall be followed in British India in every case to which they apply.

The procedure prescribed in the Code of Criminal Procedure shall, in so far as it is not inconsistent with the said Convention, be followed in every such case.

2. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in Portuguese India in like manner as it may be obtained in relation to any civil matter under the Code of Civil Procedure, chapter XXV; and the provisions of that chapter shall be construed as if the term "suit" included a proceeding against a criminal.

3. This Act may be called "The Portuguese Treaty Act, 1880."

Short title.

THE SCHEDULE.

Whereas by the nineteenth article of a treaty dated the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves, it is provided that the high contracting parties engage to deliver up to each other those persons who, being accused or convicted of crimes committed in the Indian dominions or jurisdiction of the one party, shall be found in the Indian dominions or jurisdiction of the other party; and whereas by the same article it is further provided that the circumstances and conditions under which, and the crimes for which, such persons are to be delivered up, shall form the subject of a separate Convention between the Governors-General of British India and Portuguese India, to be executed at the earliest date possible after the ratification of the said Treaty.

In pursuance of the said article, the undersigned Governors General of British India and Portuguese India, acting respectively on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves (hereinafter called the High Contracting Parties), have agreed that the said persons shall be so delivered up under the circumstances, and subject to the exceptions, hereinafter stated, namely :—

(a) When the crime for which extradition is claimed has been committed beyond the dominions of the party claiming, the requisition shall also be complied with, if the laws of the party applied to authorize a prosecution for such crime when committed beyond his dominions, and if the person claimed is a subject of the party claiming his extradition.

(b) The crimes for which the extradition shall be granted are the following :—

BRITISH INDIAN PENAL CODE.		PORTUGUESE PENAL CODE.	
Crime.	Section.	Crime.	Article.
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The extradition shall also take place for complicity or participation in any of the aforesaid crimes, and for any attempt to commit any such crime, provided such complicity, participation or attempt be punishable by the laws of both the High Contracting Parties.

(c) No British subject by birth or naturalization shall be delivered up by the Government or authorities of British India to the Government or authorities of Portuguese India; and, in like manner, no Portuguese subject by birth or naturalization shall be delivered up by the Government or authorities of Portuguese India to the Government or authorities of British India. Naturalization after the commission of the crime shall not be an obstacle to the extradition.

(d) The Governor General of British India will, from time to time, communicate to the Governor General of Portuguese India a list of Native States which, with the subjects thereof, are entitled to be placed, for the purposes of this Convention, upon the same footing as British India and the subjects of Her Britannic Majesty.

(e) The extradition shall not take place if the person claimed has already been tried and acquitted, or punished, for the same crime for which extradition is asked. If he should be under trial for any other crime, his extradition shall be deferred until the conclusion of the trial; and if the execution of the sentence, if any, would interfere with the extradition, it shall be postponed, in order that the extradition may take place. If upon extradition he be sentenced to other further punishment, the two High Contracting Parties shall arrange that the punishments shall be fulfilled according to priority of date of sentence.

(f) The extradition shall not take place if, after the commission of the crime, or the institution of the prosecution or the conviction thereon, the person claimed shall have acquired exemption from prosecution, or punishment, by lapse of time, according to the laws of the State applied to.

(g) A person surrendered shall not be kept in prison or brought to trial, by the party to whom the surrender is made, for any other crime or on account of any other matters than those for which the surrender has been granted. This stipulation is not applicable to crimes committed after the extradition.

(h) If the person whose extradition is claimed by one of the High Contracting Parties shall be also claimed by one or more other Governments, on account of crimes committed in their respective dominions, the following rule shall be observed:—

If he is a subject of the High Contracting Party who claims him, the surrender shall be made to such party. If he is not so, the other High Contracting Party shall have the power of delivering him up to the reclaiming Government which, in the case in question, may appear to the former best entitled to the preference.

(i) The requisition for extradition may be made, on behalf of Her Britannic Majesty, by the Government of British India or by the Government of the Presidency of Bombay; and, on behalf of His Most Faithful Majesty, by the Government of Portuguese India:

Provided that, when the person claimed is accused of any of the above crimes which in British India is not exclusively triable by the High Court or the Court of Session, the requisition may also be made by the Governors of the Portuguese Set-

tlements of Damaun and Diu, for any such crime committed in such Settlements respectively, and may be preferred directly to any District Magistrate or Political Agent within whose local jurisdiction such accused person may be found. Such District Magistrate or Political Agent shall, subject to the exceptions and conditions of this Convention, and unless he deem reference to higher authority to be absolutely necessary, comply with such requisition by delivering up the accused.

In like manner, any District Magistrate or Political Agent may make requisition to the Government of Portuguese India, or to the Governors of Damaun and Diu respectively, for the extradition of any person found in their jurisdiction who is accused of the commission, within the local jurisdiction of such District Magistrate or Political Agent, of any of the above crimes, the maximum punishment for which, by the Portuguese Penal Code, does not exceed imprisonment for seven years or an equivalent thereto. Subject to the exceptions and conditions of this Convention, such requisition shall be complied with by the delivering up of the accused, unless reference to higher authority shall be deemed absolutely necessary.

The authority receiving a requisition may hold, or cause to be held, such inquiry as he may deem sufficient for the purpose of ascertaining the existence of *prima facie* proof of facts which constitute a crime for which extradition may be granted under clause (b) of this Convention, and, in the absence of such proof, may decline to deliver up the accused person.

(j) Every requisition shall ordinarily be accompanied by the summons or warrant of arrest, or an authenticated copy thereof, issued by the competent authority of the State applying for it, and by a statement setting forth the facts of the offence, and sufficient particulars to enable the accused to be identified.

In cases of urgency, satisfactory proof of the existence of a warrant of arrest issued by competent authority may be provisionally accepted in support of a requisition.

(k) If the person claimed has not already been arrested by the authorities of the State to whom the requisition is made, such authorities shall at once proceed to secure his appearance.

(l) Any person accused of any of the above crimes, and whether a subject of the party in whose dominions or jurisdiction he is found or otherwise, may be arrested by the authorities of such dominions—

on production of a warrant of arrest issued by the competent authority of the other party;

or on advice, from such competent authority, transmitted by post, telegraph, or other means, stating the existence of such warrant of arrest;

or on demand made by the Magistrate or Police-officer of the other party who has pursued the accused across the frontier;

or on receipt of advice of the fact of the crime, whether communicated by a private complainant or otherwise, and whether or not the individual offender may be known or specified by name.

(m) Every such Magistrate or Police-officer who has pursued the accused across the frontier shall be entitled to the protection and assistance of the Magistrates and Police-officers of the State to whose dominions or jurisdiction the accused has fled. They shall forthwith take up the pursuit, and,

without waiting for the orders of higher authority, shall make all necessary searches, inquiries, pursuits, arrests and recoveries of stolen property, in accordance with the local law of criminal procedure.

The Magistrate or Police-officer who has pursued the accused across the frontier shall not enter houses or buildings, or make searches or arrests, except in presence or under the authority of a local Magistrate or Police-officer, but shall act in subordination to the local Magistrates or Police-officers, and shall assist them, if so required, in all necessary searches, inquiries, pursuits, arrests and recoveries of stolen property.

(u) Whenever any person is arrested in the dominions or jurisdiction of the one party for any of the above crimes committed in the dominions or jurisdiction of the other party, notice shall be given to the authorities of the other party, who may then, if the accused is a subject of the State where he is found, claim that he be tried there; or, if he is not such a subject, claim his extradition as provided in this Convention.

(v) All weapons and articles necessary as evidence shall be seized in order to their production before the proper officer, and, in case of extradition, in order that they may be delivered up with the accused when the extradition shall take place.

Such seizure and delivery shall extend to articles stolen or obtained by other offences, and the proceeds of such property, and to everything that may serve as evidence of the crime; and shall be made even when the extradition cannot be made, or the trial cannot be held, on account of the flight or death of the accused.

Nothing in this clause shall affect the rights of third parties to any such weapons and articles.

(p) The expenses occasioned by the arrest, imprisonment, maintenance and transport of criminals, and the conveyance of articles, shall, within the dominions and as far as the frontier, be defrayed by the party in whose dominions or jurisdiction such criminals or articles are found; the expenses by sea and beyond the frontier shall be defrayed by the other party.

(q) A British subject accused of having committed any of the above crimes in the Portuguese Indian dominions or jurisdiction, may be dealt with by the British Indian authorities as if the crime had been committed in British India; and a Portuguese subject accused of having committed any of the above crimes in the British Indian dominions or jurisdiction, may be dealt with by the Portuguese Indian authorities as if the crime had been committed in Portuguese India:

Provided that the accused is found in the dominions or jurisdiction of the party to whom he is subject, and has not been acquitted or punished in the dominions or jurisdiction in which he committed the crime.

Complaints of any such crimes shall be inquired into by the police and judicial authorities irrespective of the nationality of the complainant, in accordance with the local laws.

(r) In all such trials and enquiries, the evidence of witnesses whose attendance cannot be procured without an unreasonable amount of delay, expense or inconvenience, may be recorded by the judicial authorities of the State where the offence occurred, on receipt of an interrogatory Commission from the other State, and such depositions or certified copies thereof shall be received by the authorities of the other State as valid evidence: Provided that the authorities of the one State shall in all cases aid those of the other, as far as may be, in securing the personal attendance of witnesses, and reasonable time shall be allowed for the production of evidence before the final discharge or conviction of the accused.

(s) If within two months after receipt of notice of the arrest no requisition for extradition or complaint or application for a trial shall have been made, the accused may be set at liberty. He shall be set at liberty if, within one month of the day on which he was brought to the frontier or seaport, and there placed at the disposal of the party claiming, he shall not have been despatched to the dominions of such party:

Provided that, until the extradition takes place, the accused may be liberated on bail or recognizance where such procedure is allowed by the law of the dominions or jurisdiction where he is found; and that, after the extradition, the procedure shall be that provided by the law of the other dominions or jurisdiction.

(t) The High Contracting Parties engage to aid each other in the apprehension and surrender of deserters from their respective naval and military forces, and to apply all the provisions of this Convention to the offence of deserting.

It is agreed that this Convention shall have effect from the first day of February one thousand eight hundred and eighty.

Done at Calcutta on the thirtieth day of January in the year of our Lord one thousand eight hundred and eighty.

LYTTON,

*Viceroy and Governor General
of British India.*

Done at Panjim on the twentieth day of January in the year of our Lord one thousand eight hundred and eighty.

CAETANO ALBUQUERQUE,

Governor General of Portuguese India.

D. FITZPATRICK,

*Secy. to the Govt. of India,
Legislative Department.*



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 31, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th January, 1880, and was on the 23rd idem referred to a Select Committee:—

No. 1 OF 1880.

THE BURMA SURVEY BILL, 1880.

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A Bill to provide for the demarcation and survey of land, and for the establishment and maintenance of boundary-marks, in British Burma.

WHEREAS it is expedient to provide for the demarcation and survey of land and for the establishment and maintenance of boundary-marks in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Survey Act, 1880":
Short title.

It extends to the territories for the time being administered by the Chief Commissioner of British Burma;
Local extent.

and it shall come into force at once.
Commencement.

2. The Local Government may, from time to time, appoint persons, by name or by virtue of their office, to be Demarcation-officers and Boundary-officers, and may suspend or remove any person so appointed.
Appointment of Demarcation and Boundary-officers.

Every person so appointed shall, subject to the control of any superior officer appointed by the Local Government in this behalf, exercise and perform, within such local limits as the Local Government may, from time to time, direct, the powers conferred, and the duties imposed, by this Act or the rules made hereunder on such officers respectively.
Functions of Demarcation and Boundary-officers.

CHAPTER II.

DEMARICATION OF BOUNDARIES.

A.—Proceedings of Demarcation-officer.

3. The Local Government may, whenever it thinks fit, by a notification in the official Gazette, direct that the boundaries of any land shall be demarcated:
Power to direct demarcation of boundaries.

Provided that such direction shall not extend to any boundary lying within the limits of—

- (a) any public road, canal, drain or embankment;
- (b) the site of any town or village;
- (c) any military cantonment;
- (d) any civil station;
- (e) the site of any monastery, pagoda or other sacred building.

4. On the publication of any such notification, the Demarcation-officer may enter upon the land specified therein, and do all things and make all enquiries necessary for effecting the demarcation of the boundaries of the said land.
Power to enter on land to effect demarcation.

5. The Demarcation-officer shall cause to be published a general notice addressed to all persons owning, occupying or otherwise interested in the said land, and the land marching therewith, and to all persons employed on or connected with the management of such land, calling upon them to attend, either personally or by agent, before him, at such places and at such times as may be stated in such notice, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing the boundary-marks, and of affording such other assistance and information as may be needed for the purposes of the demarcation.
Demarcation-officers to publish general notice.

The persons to whom such notice is addressed shall not be legally bound to attend.

6. The Demarcation-officer may also cause a special notice to be served on any of the persons mentioned in section five requiring such person to attend, personally or by agent, before him on or before a specified date, at such places and for such of the purposes aforesaid as may be stated in such notice; and every person upon whom such special notice may be served shall be legally bound to attend as required by the notice, and, so far as he may be able, to do any of the things mentioned therein.
Demarcation-officer may issue a special notice to procure attendance of individuals.

7. The Demarcation-officer may cause a special notice to be served on any owner or occupier of the said land requiring such owner or occupier to clear any boundary or other line which it may be necessary to clear for the purposes of the demarcation of such land, by cutting down and removing any trees, jungle, fences or standing crops, or to provide labour by furnishing flag-holders, or otherwise to assist in the demarcation of such land; and, if it is necessary to employ hired labour for these or other similar objects incidental to the demarcation, the Demarcation-officer may assess and recover from such owner or occupier the cost thereof.
Clearing of boundary-lines.

8. If any demand for compensation is made in

Compensation for in- respect of the clearance of
jury done by clearance any line in accordance with
of boundary-line. a requisition under section
seven, the Demarcation-officer shall determine and
record the value of any trees, jungle, fences or
standing crops which may have been cut down or
removed, and shall pay or tender to the owners
thereof the amount of compensation which in his
opinion should be allowed therefor.

Any dispute arising concerning the sufficiency of
the amount so paid or tendered shall be deter-
mined by the Deputy Commissioner upon applica-
tion made to him for that purpose by either of the
disputing parties.

9. The Demarcation-officer may issue a special

Demarcation-officer
may summon person to
give information or pro-
duce document.

notice calling upon any per-
son who he has reason to be-
lieve can give any informa-
tion respecting the bound-
aries of the land, or in

whose possession or power any document relating
to such boundaries is alleged to be, to attend
before him and give such information or produce
such document, on a date and at a place to be men-
tioned in the notice.

Every person on whom any such notice is
served shall be legally bound to attend and to give
such information or to produce such document as
required by the notice.

10. The Demarcation-officer shall, after making

Demarcation-officer to
mark out boundaries of
land;

such inquiry as he thinks fit,
mark out the boundaries
of the land, and may cause

boundary-marks, of such materials, in such number,
and in such manner, as he thinks fit, to be erected
by the owners or occupiers of the land, or may erect
such marks and charge the cost of such erection to
such owners or occupiers, and shall forward a report

and submit report to
Boundary-officer.

of his proceedings to the
Boundary-officer:

Provided that the Demarcation-officer may, for

When Demarcation-
officers may alter de-
marcation.

any sufficient reason, at any
time before forwarding his
report to the Boundary-

officer, alter any boundary marked out by him.

B.—Proceedings of Boundary-officers.

11. The Boundary-officer shall, on receipt of

Boundary-officer to
give general notice to
persons affected.

the report of the Demar-
cation-officer, cause a gene-
ral notice to be published,

informing all persons con-
cerned that such report is open to inspection,
and requiring any person who may have any
objections to prefer thereto to submit a written
statement of such objections within one month from
the date of the publication of such notice.

Whenever the Boundary-officer has reason to

Boundary-officer to
give special notice to per-
sons likely to object.

believe that any person in-
terested is likely to object
to any boundary as laid down

in such report, he shall cause a special notice to be
served on such person requiring him to submit,
within the said period of one month, a written
statement of his objection.

No person shall be entitled as of right to sub-
mit any statement of objection after the expira-
tion of the said period of one month; but it shall
be in the discretion of the Boundary-officer to
admit any such statement after the expiration of
such period.

12. When the said period of one month has

Order of Boundary-
officer.

expired and the objections
(if any) preferred within it
or subsequently admitted by

the Boundary-officer have been inquired into by
him, and any further inquiry which he may deem
necessary has been made by him, the Boundary-
officer shall pass such order as he thinks fit, con-
firming or modifying the boundaries as determin-
ed by the Demarcation-officer.

If any objection seems to him not to be well-
founded, the Boundary-officer may direct that all
expenses of the inquiry which have arisen from
such objection shall be recovered from the person
who made the same.

13. When any person, within sixty days from the

Objections subsequent-
ly made how dealt with.

date of the order passed under
section twelve, prefers any
objection to the correctness

of the demarcation-proceed-
ings, the Boundary-officer may, in his discretion,
either refuse to inquire into such objection, or
may require the person making the same to
deposit, within a reasonable time, the estimated
costs of any further inquiry which it may be neces-
sary to make in respect thereof.

14. If the costs of such further inquiry are

Boundary-officer to
make further inquiry.

deposited, the Boundary-
officer shall, after making
such further inquiry, pass an

order rejecting such objection or admitting the
same and amending the order passed under section
twelve.

If, on such inquiry, the objection seems to the
Boundary-officer not to be well-founded, he may
pass such order as he thinks fit in respect of the
recovery from the person making the objection
of any sum expended on the inquiry in excess of
the sum deposited and of any necessary expenses
incurred by any other person on account of such
inquiry.

No person preferring an objection under sec-
tion thirteen shall, unless the Boundary-officer
specially so directs, recover any portion of the
amount deposited by him under section thirteen.

15. For the purposes of any inquiry under this

Power of Boundary-
officer to enforce attend-
ance of witnesses, &c.

Act, the Boundary-officer
shall, in addition to the
powers conferred specially by

this Act, have power to summon and enforce the
attendance of witnesses and compel the production
of documents, so far as may be, by the same means
and in the same manner as is provided in the case
of a civil Court by the Code of Civil Proce-
dure.

16. The Boundary-officer, whenever he thinks

Boundary-officer may
refer dispute to arbitra-
tion.

fit, may, with the consent of
the parties concerned, refer
any dispute as to a boundary

to arbitration.

The procedure laid down in chapter XXXVII of
the Code of Civil Procedure shall apply (so far as
may be) to such references.

17. The order passed by the Boundary-officer

Effect of orders of
Boundary-officer.

under section twelve, or,
when such order is amended
under section fourteen, such

amended order shall, unless and until it be reversed or modified in manner hereinafter provided, be conclusive.

C.—Appeals from orders of Boundary-officers.

18. An appeal shall lie to the Commissioner of the Division from every order passed by a Boundary-officer under section twelve or section fourteen.

Appeals against orders of Boundary-officers.

19. If the Commissioner confirms the order of the Boundary-officer on a matter of fact, such decision shall be final.

If order confirmed on a matter of fact, decision final.

In all other cases in which the Commissioner confirms the order of the Boundary-officer, and in all cases in which the Commissioner reverses or modifies the order of the Boundary-officer, an appeal shall lie to the Judicial Commissioner.

If order reversed or modified, or if confirmed on a question of law, second appeal allowed to Judicial Commissioner.

20. The period of limitation for an appeal under section eighteen or section nineteen shall run from the date of the order or decision appealed against and shall be as follows, that is to say,—

Period of limitation.

(a) in the case of an appeal under section eighteen—sixty days;

(b) in the case of an appeal under section nineteen—ninety days.

In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

21. The Commissioner and the Judicial Commissioner shall in hearing and determining appeals presented under this Act have, as nearly as may be, the same powers as they have in the case of appeals from decrees and orders in civil suits.

Powers of Commissioner and Judicial Commissioner in hearing appeals.

D.—Boundary-marks.

22. Whenever an order determining a boundary has become final, the Boundary-officer shall, unless permanent boundary-marks of a suitable description have already been erected along such boundary, cause to be erected permanent boundary-marks, of such materials, in such number and in such manner, as he may consider sufficient to distinguish such boundary.

When permanent boundary-marks are to be erected.

An order determining a boundary becomes final for the purposes of this section when it is not open to appeal.

23. All expenses incurred by the Boundary-officer in erecting such boundary-marks for any land shall be apportioned amongst the owners or occupiers of such land, in such proportions as the Boundary-officer may think fit.

Expense of erection of marks.

24. When the expenses have been apportioned among such owners or occupiers, the Boundary-officer shall cause a notice to be served on each of them, specifying the amount

Notice to owners to pay share of expense.

payable by him in respect of such expenses, and requiring him to pay such amount to the Boundary-officer within one month from the service of such notice.

25. The Boundary-officer may further cause a notice to be served on any owner or occupier placing under his charge any boundary-marks erected on the boundary of his land whether by order of such officer or otherwise.

Owners and occupiers may be required—

Every owner or occupier shall preserve such boundary-marks as may be placed under his charge under this section, and shall give immediate notice to the nearest Magistrate or the officer in charge of the nearest Police-station if any such marks are injured, destroyed or removed, or require repairs.

to preserve boundary-marks ;
to give notice of any injury occurring to them.

26. Whenever a Magistrate of the first or second class becomes aware that any boundary-mark erected under this Act within the local limits of his jurisdiction has been injured, destroyed or removed, or requires repairs, such Magistrate may cause such boundary-mark to be re-erected, restored or repaired, and may recover any expenses incurred in respect of such re-erection, restoration or repair from the owner or occupier who is bound under section twenty-five to preserve such boundary-mark.

Magistrates may repair boundary-marks.

27. It shall be the duty of every village-headman and theogryee—

Duties of village-officers.

(a) to prevent the destruction, injury or alteration of any boundary-mark within the local limits of his jurisdiction;

(b) whenever he becomes aware that any such boundary-mark has been destroyed, injured or altered, to report immediately to the officer in charge of the nearest Police-station or to the nearest Magistrate such destruction, injury or alteration.

CHAPTER III.

SURVEY.

28. When any officer is appointed by the Government to make a survey of any land, the Chief Commissioner may invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation-officers by sections four to nine (both inclusive), and also with power to cause any boundary or other marks to be erected by the owners or occupiers of any land, or to erect such marks and to charge the cost of such erection to such owners or occupiers.

Survey-officer.

CHAPTER IV.

MISCELLANEOUS.

29. If any owner or occupier of any land, or any other person, being ordered in accordance with this Act to perform any act, fails to perform such act within a reasonable time, the officer who gave the order may, after giving notice

If owners, occupiers or other persons fail to obey lawful order, it may be carried out at their expense.

to such owner, occupier or other person of his intention so to do, cause the act to be performed; and the expenses incurred in such performance shall be payable by such owner, occupier or other person.

30. Whoever, being legally bound to comply with any lawful order under this Act, or with the requisition contained in any special notice served upon him under this Act, refuses or neglects to comply therewith, shall be punished with fine which may extend to fifty rupees.

31. Every amount due under the provisions of this Act may be recovered as if the same were an arrear of land-revenue.

32. The Chief Commissioner may, from time to time, make rules consistent with this Act—

for the collection and record of any information in respect of any land ;

prescribing and limiting the powers and duties of officers conducting proceedings under this Act ;

regulating the delegation by such officers to subordinate officers of the powers and duties conferred and imposed on them respectively by this Act or the rules made hereunder ;

for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act ;

for the publication, issue and service of all notices, whether general or special, to be published, issued or served under this Act ; and

for carrying out generally the purposes of this Act.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

33. All surveys made, and all boundary-lines and marks fixed for survey or revenue purposes, at the time of the passing of this Act shall

be, and are hereby declared to be, of the same effect as if made and fixed under this Act ; and this Act shall apply to them as fully as to surveys made and boundary-lines and marks fixed hereunder.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill has been prepared, at the instance of the Chief Commissioner of British Burma, with a view to facilitating the operations of the survey which has been undertaken by the Government in connection with the revenue-settlement of that province.

2. Sections 3 to 10 give the powers required for the demarcation of boundaries. They empower the Demarcation-officer to enter upon the land and to summon those interested in the demarcation to point out the boundaries, aid him in setting up boundary-marks and afford such other assistance as may be required.

They further empower him to require a boundary-line to be cleared of jungle, fences or crops, when this is necessary for the purpose of demarcating it ; but where any loss is caused by such clearance, compensation will be paid.

3. It is believed that the cases in which any dispute will arise regarding a boundary will be rare. Where any such dispute does arise, the Demarcation-officer will, after a summary enquiry, lay down the boundary provisionally, the final determination of the matter being reserved for a later stage of the proceedings.

4. The Demarcation-officer is, lastly, empowered to erect such boundary-marks as he thinks fit, and charge the cost of erecting them to the persons interested. Where the boundary is undisputed, those marks would usually be of a substantial and permanent nature. On the other hand, where there is a dispute, the marks erected at this stage would be such as would be merely sufficient to fix the line pending the determination of the dispute.

5. On the completion of the demarcation the Demarcation-officer will submit a report of his proceedings, including such maps as he has prepared, to the Boundary-officer. The Boundary-officer will be an officer qualified to exercise regular judicial functions, and it will be his duty to try out and decide as a Court of first instance all disputes as to boundaries and all objections taken to the proceedings of the Demarcation-officer. From his decisions an appeal will lie to the Commissioner of the division, and in certain cases a further appeal to the Judicial Commissioner.

Where there is no dispute or objection, a formal order will be passed by the Boundary-officer confirming the demarcation made by the Demarcation-officer. Where there is a dispute or objection, the case will stand over until such dispute or objection has been finally disposed of.

6. When the boundary has been finally settled, the Boundary-officer will, if permanent boundary-marks have not already been erected along it, cause such marks to be erected, charging the cost to those interested, and will then issue a notice placing all boundary-marks, whether erected by his order or by order of the Demarcation-officer, under the charge of the landholders, who will thenceforward be responsible for their protection.

7. As it is understood that the professional surveyors engaged in the Cadastral Survey will, in order properly to discharge their duties, need certain of the powers conferred by the Bill on Demarcation-officers, the Chief Commissioner is, by section 28, empowered to invest with those powers any officer appointed by the Government to make a survey of any land.

8. The only other point which appears to call for notice in connection with the operations to be undertaken under the Bill is, that, by section 32, the Chief Commissioner is empowered to make rules for (among other matters) the collection and record of such information as it is ordinarily the practice to collect in connection with a survey or settlement.

9. The concluding section of the Bill, which provides for the validation of past proceedings, has been taken from a draft submitted by the Chief Commissioner. The Chief Commissioner has been addressed regarding it, and his reply will be submitted to the Select Committee to which it is proposed to refer the Bill; in the meantime the details cannot be considered as finally settled.

RIVERS THOMPSON.

The 9th January, 1880.

D. FITZPATRICK.

*Secy. to the Govt. of India,
Legislative Department.*

[Second Publication.]

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd January, 1880 :—

No. 2 OF 1880.

A Bill to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient to empower the Governor of Bombay in Council to fix and, from time to time, to alter the local limits of the ordinary jurisdiction of the Subordinate Judges appointed under the Bombay Civil Courts Act, 1869; It is hereby enacted as follows :—

Short title. 1. This Act may be called
“The Bombay Civil Courts
Act, 1880;”

Commencement. and it shall come into
force at once.

Insertion of a new section after section 22 of the Bombay Civil Courts Act. 2. In the said Act, after section 22, the following section shall be inserted :—

“22 A. The Governor of Bombay in Council may, by notification in the official Gazette, fix, and, by a like notification, from time to time alter, the local limits of the ordinary jurisdiction of the Subordinate Judges.”

3. All orders issued by the Governor of Bombay in Council previous to the passing of this Act, fixing or altering the local limits of the jurisdiction of a Subordinate Judge, shall be deemed to have been issued in accordance with law.

STATEMENT OF OBJECTS AND REASONS.

THE Government of Bombay has lately represented that the repeal of section 30 of the Bombay Civil Courts Act, 1869, by the Repealing Act, 1876, has deprived that Government of a power it formerly possessed under that section of from time to time altering the limits of the local jurisdiction of the Subordinate Judges. It seems to the Government of India that the section in question rather assumed the existence of such a power than conferred it; but, as it is quite clear that the Local Government should possess such a power, the present Bill has been prepared to confer it. It merely adds to the Bombay Civil Courts Act, 1869, a section conferring power on the Governor of Bombay in Council to fix and alter the local limits of the ordinary jurisdiction of the Subordinate Judges, and validates such orders as may have already been issued fixing or altering such limits.

WHITLEY STOKES.

The 3rd January, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Dept.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January, 1880, and was referred to a Select Committee:—

No. 3 OF 1880.

A Bill for the appointment of persons to the office of Kāzī.

WHEREAS, by the preamble to Act No. XI of 1804 (*an Act to repeal the law relating to the offices of Hindū and Muhammadan Law Officers and to the offices of Kāzī-ul-Kuzāt and of Kāzī, and to abolish the former offices*) it was (among other things) declared that it was inexpedient that the appointment of Kāzī-ul-Kuzāt, or of City, Town or Pargana Kāzīs should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India, the presence of Kāzīs appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kāzī; It is hereby enacted as follows:—

Short title.

1. This Act may be called
“The Kāzīs Act, 1-80;”

Commencement.

and it shall come into force at once.

It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any

Local extent.

other Local Government may, from time to time, by notification in the official Gazette, extend it to the whole or any part of the territories under its administration.

2. Whenever it appears to the Local Govern-

ment that any considerable number of the Muhammadans resident in any local area desire that one or more Kāzīs should be appointed for such local area, the Local Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kāzīs for such local area.

The Local Government may, if it thinks fit, suspend or dismiss any Kāzī appointed under this section.

3. Nothing herein contained shall be deemed to

confer any judicial or other powers on any Kāzī appointed hereunder, or to render the presence of a Kāzī necessary at marriages or other religious rites or ceremonies.

Nothing in Act to confer judicial or other powers on Kāzī;
or to render the presence of a Kāzī necessary at marriages or other religious rites or ceremonies.

confer any judicial or other powers on any Kāzī appointed hereunder, or to render the presence of a Kāzī necessary at the celebration of any marriage or the performance of any rite or ceremony.

STATEMENT OF OBJECTS AND REASONS.

UNDER the Muhammadan Law the Kāzī was chiefly a judicial officer. His principal powers and duties are stated at some length in the Hedaya, Book XX. He was appointed by the State, and may be said to have corresponded to our Judge or Magistrate. In addition, however, to his functions under the Muhammadan law, the Kāzī in this country, before the advent of British rule, appears to have performed certain other duties, partly of a secular and partly of a religious nature. The principal of these seem to have been preparing, attesting and registering deeds of transfer of property, celebrating marriages, and performing other rites and ceremonies. It is not apparent that any of these duties were incumbent on the Kāzī as such. It is probable that the customary performance of them by him arose rather from his being a public functionary and one known by his official position to be acquainted with the law, than from his having, as Kāzī, a greater claim to perform them than any one else.

2. Such was the position of the Kāzī in this country under Native government. On the introduction of the British rule, Judges and Magistrates took the place of Kāzīs, and the

* Bengal Regulation XXXIX of 1793 for Bengal, Bihar and Orissa.

Bengal Regulation XLIX of 1795 for Benares.

Bengal Regulation XLVI of 1803 for the Ceded Provinces.

Madras Regulation III of 1808 for Madras.

Bombay Regulation XXVI of 1827 for Bombay.

Kāzī in his judicial capacity disappeared; but the British Government, though no longer recognising the judicial functions of the Kāzī, did not abolish the office. By certain Regulations* passed from time to time, the appointment of Kāzī-ul-Kuzāt and Kāzīs by the State was provided for, and the performance of their non-judicial duties was recognised by law. In the case of Bengal, indeed, certain additional duties were imposed on them. The duties of the Kāzī under these Regulations comprised some or all of the following, *viz.*—

- (1) preparing and attesting deeds of transfer and other law-papers;
- (2) celebrating marriages and presiding at divorces;
- (3) performing various rites and ceremonies;
- (4) superintending the sale of distrained property and paying charitable and other pensions and allowances.

3. In the course of subsequent legislation, the first and last of the above duties devolved on officers specially appointed for the purpose, and there remained nothing to be performed by the Kāzī but the second and third, which were purely ceremonial. Under these circumstances it appeared no longer necessary that the Government should appoint these officers. Accordingly, in 1804, by Act XI of that year, all the Regulations relating to the appointment of Kāzīs by Government and the duties to be discharged by them were repealed, but in order that it might be clear that no interference with the ceremonial functions of these officers was intended, a section was added to that Act as follows:—

“Nothing contained in this Act shall be construed so as to prevent a Kāzī-ul-Kuzāt or other

Kāzī from performing, when required to do so, any duties or ceremonies prescribed by the Muhammadan law" (see section 2 of Act XI of 1864).

4. Certain of his duties having thus survived the passing of Act XI of 1864, the Kāzī is still a functionary of considerable importance in the Muhammadan community. What was originally in some sense an accidental adjunct of his judicial office has become his principal and only duty, and in some parts of the country at least, the presence of a Kāzī at certain rites and ceremonies appears now to be considered by Muhammadans essential from their point of view.

5. Act XI of 1864 has, however, raised a difficulty of a sort which was not anticipated at the time it was passed. As mentioned above, the Kāzī was, under Muhammadan law, appointed by the State, and it has been held by the High Courts, both of Bombay and Madras, that the appointment cannot be made except by the State. But as by Act XI of 1864, the State divested itself of the power of appointment, the preamble of that Act declaring that it was inexpedient that such appointment should be made by Government, it would seem that no valid nomination to the office can now be made.

6. The inconvenience resulting to Muhammadans from this state of things, has been brought to the notice of Government on several occasions by members of that community, and more particularly by the Muhammadans of the Madras Presidency. It is considered that the grant of the relief that is sought, *viz.*, that Government should once more undertake the appointment of Kāzīs, is but a reasonable concession to the wants of the Muhammadan population.

With this object the present Bill has been prepared. It extends in the first instance to Madras only, where the want of duly appointed Kāzīs appears chiefly to have been felt, but it contains a clause empowering any other Local Government to extend its provisions to the territories administered by it, should the Muhammadans in those territories hereafter request its extension. It confers no legal rights or duties on Kāzīs. It simply, in order to satisfy the wants of the Muhammadan community, provides for the appointment of Kāzīs by Government, leaving the position and duties of the Kāzīs, whatever these may be, as they now are. To prevent any possible misapprehension on this point, a saving clause has been added to the effect that nothing in the Bill confers any judicial or other powers on a Kāzī, or makes his presence necessary at any marriage or other ceremony at which his presence is not now necessary.

CALCUTTA;

The 19th January, 1880.

SAYYAD AHMAD.

D. FITZPATRICK,

*Secy. to the Govt. of India,
Legislative Department.*



SUPPLEMENT TO The Gazette of India.

NO. 5. } CALCUTTA, SATURDAY, JANUARY 31, 1880.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Friday, the 23rd January, 1880.

PRESENT:

His Excellency the Viceroy and Governor General of India, G.M.S.I.,
presiding.

His Honour the Lieutenant-Governor of Bengal, K.C.S.I.

His Excellency the Commander-in-Chief, G.C.B., G.C.S.I., C.I.E.

The Hon'ble Sir A. J. Arbuthnot, K.C.S.I., C.I.E.

The Hon'ble Sir J. Strachey, G.C.S.I., C.I.E.

General the Hon'ble Sir E. B. Johnson, R.A., K.C.B., C.I.E.

The Hon'ble Whitley Stokes, C.S.I., C.I.E.

The Hon'ble Rivers Thompson, C.S.I.

The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.

The Hon'ble T. C. Hope, C.S.I.

The Hon'ble B. W. Colvin.

The Hon'ble Maharájá Jotíndra Mohan Tagore, C.S.I.

The Hon'ble G. H. M. Batten.

The Hon'ble C. Grant.

The Hon'ble E. C. Morgan.

The Hon'ble J. Pitt-Kennedy.

BURMA SURVEY BILL.

The Hon'ble MR. RIVERS THOMPSON moved that the Bill to provide for the demarcation and survey of land in British Burma be referred to a Select Committee consisting of the Hon'ble Messrs. Stokes, Colvin and Grant and the Mover.

. The Motion was put and agreed to.

The Hon'ble MR. RIVERS THOMPSON also moved that the Bill be published in the *British Burma Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

BOMBAY CIVIL COURTS ACT, 1869, AMENDMENT BILL.

The Hon'ble MR. STOKES introduced the Bill to amend the Bombay Civil Courts Act, 1869, and moved that it be circulated for the purpose of eliciting opinion thereon.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that the Bill be published in the *Bombay Government Gazette* in English.

The Motion was put and agreed to.

BURMA DISTRICT CESSES AND RURAL POLICE BILL.

The Hon'ble MR. RIVERS THOMPSON moved that the Report of the Select Committee on the Bill to amend the law relating to District Cesses and Rural Police in British Burma be taken into consideration. He said that it would be seen from the Report of the Select Committee that since the introduction of the Bill very few changes had been made in its provisions. The only material changes were in connection with the 9th section of the Bill, which referred to the purposes for which these district-funds were to be applied. An addition had been made in the list of purposes for which local funds might be used, by adding "the improvement of river-channels." As communications in British Burma were as much by water as by land, it was considered desirable that power should be taken for using local cesses for the improvement of these water-channels.

In connection with this section, he desired to refer to the principle which was affected by the amendment which the Select Committee had introduced. In the Bill, as it originally stood, power was conferred upon the Chief Commissioner to transfer funds from one district to another for all general purposes. As such cesses were levied by a percentage upon the land-revenue, it would always be the result that in backward districts, where cultivation had not advanced from paucity of population or other causes, the amount realized by local cesses for local purposes was small; and thus, while richer districts found themselves at the end of the year with a surplus which they could not utilise for local purposes within their own jurisdiction, the poorer district in the neighbourhood was unable to carry out any work of real utility. The Chief Commissioner had, accordingly, represented the desirability of taking power to use these funds generally throughout the province, and that their use should not be restricted to the particular districts in which the cesses were levied. The principle of course was right, in a Bill of this kind, that local cesses should be used in the districts where they were raised; and this was more especially the case where the appropriation of the funds was in the hands of the Government and not of a local Committee; and, so far as was reasonable, the Select Committee desired to maintain the principle that local funds should be expended in the districts to which they belonged. While, then, the general power to transfer funds from one district to another had been abandoned by the Select Committee in considering this particular section, it had been thought desirable to provide that, as regards two of the purposes to which local funds might be applied, namely, the maintenance of a local postal service and the construction and maintenance of district-roads and other communications, the Chief Commissioner should have power to transfer at the end of a year the surplus-funds of one district to any other district *in the same division*. Perhaps the one thing which Burma more essentially required than any other was the more rapid development of the resources of its less advanced districts by the opening out of communications. As matters stood, a well-to-do district might be able from its funds to carry out a road within its own limits, but to go no further; while a backward district, which had no funds to complete the communication between itself and the adjoining district, or from one centre to another part of the division, remained without the means of carrying out projects the most advantageous for itself. It had, therefore, been considered by the Select Committee desirable to modify the general rule in that respect as regards roads, and as a consequence as regards the improvement of the local postal service; and, by the proviso to the 9th section of the Bill, power had been given to the Chief Commissioner to utilise, at the end of a year, the surplus-funds of a richer district for continuing such works in connection with other districts in the same division. He (MR. RIVERS THOMPSON) thought such limited powers might safely be entrusted to the local administration with a prospect of much benefit to the province.

The Motion was put and agreed to.

The Hon'ble MR. RIVERS THOMPSON also moved that the Bill as amended be passed.

The Motion was put and agreed to.

MILITARY CANTONMENTS ACT AMENDMENT BILL.

The Hon'ble MR. STOKES presented the final Report of the Select Committee on the Bill to provide for the revision of proceedings in trials held under the Military Cantonments Act, 1864, section 20.

KÁZÍ BILL.

The Hon'ble SAYYAD AHMAD KHÁN moved for leave to introduce a Bill for the appointment of persons to the office of Káží. He said:—"MY LORD,—In asking leave to introduce a Bill into the Council relating to the appointment of Kázis, I am supported by a sincere conviction that I am recommending a piece of legislation which will do no more than meet a long-felt want of the Muhammadan subjects of Her Imperial Majesty in some parts of the Empire.

"Before the advent of British rule in this country, a Káží was appointed for each pargana, and a Káží-ul-Kuzát for each great centre. The duties of these functionaries are stated at length in the law-books of both the Shía and Sunni sects, from which it appears that the Káží held a judicial office, and was invariably appointed by the State. His ultimate connection with the performance of certain ceremonial duties, and some other rites which may be said to be ceremonial from one point of view and social from another, arose from his recognised credit as the nominee of the Government, and from his supposed knowledge of the Muhammadan law. A large portion of the judicial powers of the Káží had already been transferred to other officials before the introduction of British rule, while the appointment of Judges and Magistrates under the British Government deprived him altogether of the last remnant of his functions as a judicial officer. The British Government, though no longer recognizing the judicial functions of the Káží, invariably accorded a legal sanction to his appointment for three-quarters of a century until the passing of Act XI of 1864. At the time of the passing of this Act the duties of the Káží did not extend beyond (1) celebrating marriages and presiding at divorces, and (2) performing various other rites and ceremonies. The performance of these duties by the Kázis was partly due to the fact that the practice had acquired the force of a social custom by the lapse of time, partly to the recognized acquaintance of the Kázis with the law, and partly to the fact that the presence of a duly appointed Káží was considered necessary at the performance of certain rites and ceremonies.

"Now, it was exceedingly doubtful whether a Káží not appointed by the State could be said to be a duly appointed Káží. Some of the highest Courts in this country have held that he could not. Accordingly, my Lord, although it is expressly stated in Act XI of 1864 that nothing contained in that Act 'shall be construed so as to prevent a Káží-ul-Kuzát or other Káží from performing, when required to do so, any duties or ceremonies prescribed by the Muhammadan law,' yet, when the State divested itself of the power of appointment, it was felt that no duly appointed Káží could be found for the performance of those rites and ceremonies.

"My Lord, the absence of a duly appointed Káží on occasions on which the Muhammadans regard his presence as necessary from their social or ceremonial point of view is the source of much inconvenience to them, as has been represented on several occasions by members of that community, and more particularly by the Muhammadans of the Madras Presidency. To undertake, therefore, the appointment of Kázis will be but a reasonable concession on the part of Government to the wants of a large section of Her Imperial Majesty's subjects, and will prove a most acceptable relief to them.

"My Lord, as the want of duly appointed Kázis has been chiefly felt in the Presidency of Madras, the Bill I ask leave to introduce is intended to extend, in the first instance, only to that Presidency; but it is proposed to add a clause to it empowering any other Local Government to extend its provisions to the territories administered by it, should the Muhammadans in those territories hereafter desire its extension.

"My Lord, the object of the present motion is nothing more than the creation of duly appointed Kázis to satisfy the social and ceremonial wants of the Muhammadan population. A detail of the duties to be devolved on the Kázis does not come under the scope of the proposed Bill. The use to be made of these functionaries will depend on the customary practice of the parties concerned. The Bill in question will simply provide for the appointment of Kázis

by Government, leaving their position and duties, whatever they may be, just as they now are, and conferring no judicial or other powers on them; and, in order to prevent any possible misapprehension as to the object of the proposed Bill, a saving clause will be added to that effect.

“ My Lord, in conclusion, I beg to express once more my strong conviction that such a wholesome piece of legislation will prove highly beneficial to a large section of the population of India, and will be welcomed by the Muham-
madan subjects of Her Imperial Majesty with feelings of gratefulness and satisfaction.”

The Motion was put and agreed to.

The Council adjourned to Friday, the 30th January, 1880.

D. FITZPATRICK,

Secretary to the Government of India,
Legislative Department.

CALCUTTA ;
The 23rd January, 1880. }

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
No. XLVIII of 1879.
APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	FOR WEEK ENDING		TOTAL FROM 1ST JANUARY		Total Increase in 1879.	Total Decrease in 1879
		30th November 1878.	29th November 1879.	to 30th Nov. 1878.	to 29th Nov. 1879.		
	<i>Guaranteed.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
31st Dec. 1879	East Indian, Main ...	7,56,829	7,66,313	3,23,30,332	3,50,83,649	27,53,317	...
Ditto ...	" Jubbulpore ...	1,17,860	60,987	30,95,907	35,69,896	4,73,989	...
27th ditto ...	Eastern Bengal ...	66,588	91,743	38,85,044	36,43,996	...	2,41,648
31st ditto ...	Oudh and Rohilkhand ...	1,12,441	86,454	42,50,532	39,80,694	...	2,74,838
20th ditto ...	Sind, Punjab and Delhi ...	2,43,617	2,36,500	79,24,881	97,26,316	18,01,435	...
6th ditto ...	Madras ...	1,17,544	1,15,045	59,59,127	59,77,270	18,143	...
20th ditto ...	South Indian ...	58,455	59,189	29,87,000	30,31,005	47,005	...
3rd Jan. 1880	Great Indian Peninsula ...	6,77,702	4,78,907	2,52,46,045	2,30,91,992	...	21,54,053
Ditto ...	Bombay, Baroda and Central India ...	1,56,906	1,19,838	60,81,452	64,78,202	3,96,750	...
	TOTAL ...	23,07,942	20,14,976	9,17,65,920	9,45,86,020	28,20,100	...
	<i>State.</i>						
20th Dec. 1879	Calcutta and South-Eastern ...	2,169	3,323	1,15,231	1,20,462	5,231	...
Ditto ...	Nalhati ...	1,478	1,617	82,617	83,544	927	...
31st ditto ...	Rajputana ...	60,433	67,794	26,26,396	32,36,715	6,10,319	...
3rd Jan. 1880	Holkar ...	14,009	15,197	6,19,795	7,21,250	74,455	...
31st Dec. 1879	Khamgaon ...	628	143	(b) 19,719	(c) 34,101	...	15,618
Ditto ...	Amraoti ...	1,358	985	83,881	63,943	...	19,938
Ditto ...	Wardha Coal ...	2,762	13,691	1,18,978	(d) 2,28,742	1,09,764	...
20th ditto ...	Nizam's ...	12,170	16,095	7,28,232	6,31,783	...	96,449
3rd Jan. 1880	Tirhoot ...	11,305	9,565	3,95,053	4,02,446	7,393	...
13th Dec. 1879	Punjab Northern ...	18,497	33,318	8,35,733	16,35,541	7,99,808	...
3rd Jan. 1880	Sindia-Neemuch ...	5,036	6,512	1,80,256	2,83,239	1,02,983	...
20th Dec. 1879	Rangoon and Irrawaddy Valley ...	16,196	17,848	8,99,472	8,84,188	...	15,284
31st ditto ...	Northern Bengal ...	14,501	30,586	8,20,784	11,69,502	3,48,718	...
15th ditto ...	Sindia ...	1,362	1,428	(e) 86,759	89,937	3,178	...
31st ditto ...	Dhond and Manmad ...	5,435	9,748	(f) 75,443	3,99,850	3,24,447	...
27th ditto ...	Indus Valley ...	58,896	(a) 55,080	(g) 3,15,585	26,79,737	23,61,182	...
31st ditto ...	Patna-Gya ...	...	10,060	...	(h) 1,92,286	1,92,286	...
Ditto ...	Muttra-Hathras ...	...	2,785	...	1,15,991	1,15,991	...
13th ditto ...	Western Rajputana (Southern Section). ...	...	5,767	...	(j) 8,794	8,794	...
	TOTAL ...	2,26,535	3,01,545	80,63,934	1,29,88,121	49,24,187	...
	GRAND TOTAL ...	25,34,477	23,16,521	9,98,29,854	10,75,74,141	77,44,287	...
	GROSS ESTIMATED EXPENSES ...			4,98,84,977	5,37,87,070	...	...
	NET RECEIPTS ...			4,99,44,877	5,37,87,071	...	...

(a) Return not yet received. Estimated upon the earnings for the last four weeks ended 22nd November 1879.
(b) Line closed from 10th July to 14th November 1878.
(c) Line closed from 1st July to 14th November 1879.
(d) Includes colliery receipts.
(e) From 10th January 1878.
(f) From 15th March to 1st June and from 15th to 30th November 1878.
(g) From 1st July 1878.
(h) From 21st April 1879.
(j) From 15th November 1879.

No. XLIX of 1879.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	FOR WEEK ENDING		TOTAL FROM 1st JANUARY		Total Increase in 1879.	Total Decrease in 1879.
		7th Dec. 1878.	6th Dec. 1879.	to 7th Dec. 1878.	to 6th Dec. 1879.		
	<i>Guaranteed.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
31st Dec. 1879	East Indian, Main ...	7,18,218	8,43,564	3,30,48,550	3,59,27,213	28,78,663	...
Ditto ...	" Jubbulpore	94,397	59,232	31,90,304	36,29,128	4,38,824	...
27th ditto ...	Eastern Bengal ...	77,724	1,03,054	39,63,368	37,47,050	...	2,16,318
31st ditto ...	Oudh and Rohilkhand	92,611	68,401	43,48,143	40,49,096	...	2,99,047
20th ditto ...	Sind, Punjab & Delhi	1,95,106	2,16,500	81,19,987	99,42,816	18,22,829	...
6th ditto ...	Madras ...	1,31,197	1,18,590	60,90,324	60,95,860	5,536	...
20th ditto ...	South Indian ...	61,156	60,862	30,48,156	30,94,867	46,711	...
3rd Jan. 1880	Great Indian Peninsula	6,11,165	4,84,413	2,58,57,210	2,35,76,405	...	22,80,805
Ditto ...	Bombay, Baroda and Central India ...	1,71,488	1,19,795	62,52,940	65,97,997	3,45,057	...
	TOTAL ...	21,53,062	20,74,411	9,39,18,982	9,66,60,432	27,41,450	...
	<i>State.</i>						
30th Dec. 1879	Calcutta and South-Eastern ...	2,291	2,204	1,17,522	1,22,666	5,144	...
Ditto ...	Nalhati ...	1,627	(a) 1,698	84,244	85,242	998	...
31st ditto ...	Rajputana ...	63,371	70,296	26,89,767	33,07,011	6,17,244	...
3rd Jan. 1880	Holkar ...	13,523	17,068	6,63,318	7,41,318	78,000	...
31st Dec. 1879	Khamgaon ...	733	387	(b) 50,452	(c) 34,488	...	15,964
Ditto ...	Amraoti ...	1,304	1,091	85,185	65,034	...	20,151
Ditto ...	Wardha Coal ...	2,550	3,702	1,21,528	(d) 2,32,444	1,10,916	...
20th ditto ...	Nizam's ...	12,086	16,335	7,40,318	6,51,118	...	89,200
3rd Jan. 1880	Tirhoot ...	10,630	9,333	4,05,683	4,11,779	6,096	...
13th Dec. 1879	Punjab Northern ...	19,869	35,570	8,55,602	16,71,111	8,15,509	...
3rd Jan. 1880	Sindia-Neemuch ...	5,590	6,686	1,85,846	2,89,925	1,04,079	...
20th Dec. 1879	Rangoon and Irrawaddy Valley ...	15,774	16,581	9,15,246	9,00,769	...	14,477
31st ditto ...	Northern Bengal ...	24,348	34,150	8,45,132	12,03,652	3,58,520	...
15th ditto ...	Sindia ...	1,341	1,742	(e) 88,100	91,679	3,579	...
31st ditto ...	Dhond and Manmad ...	6,936	8,734	(f) 82,379	4,08,624	3,26,246	...
27th ditto ...	Indus Valley ...	55,887	66,743	(g) 3,71,472	27,46,510	23,75,038	...
31st ditto ...	Patna-Gya ...	...	9,374	...	(h) 2,01,660	2,01,660	...
Ditto ...	Muttra-Hathras ...	...	2,271	...	1,18,262	1,18,262	...
13th ditto ...	Western Rajputana (Southern Section) ...	...	4,619	...	(j) 13,413	13,413	...
	TOTAL ...	2,37,860	3,08,584	88,01,794	1,32,96,705	49,94,911	...
	GRAND TOTAL ...	23,90,922	23,82,995	10,22,20,776	10,99,57,137	77,36,361	...
	GROSS ESTIMATED EXPENSES ...			5,10,79,722	5,49,78,568	...	...
	NET RECEIPTS ...			5,11,41,054	5,49,78,569	...	...

(a) Return not received. Estimated upon the earnings for the last four weeks of November 1879.
 (b) Line closed from 16th July to 14th November 1878.
 (c) Line closed from 1st July to 14th November 1879.
 (d) Includes colliery receipts.
 (e) From 10th January 1878.
 (f) From 15th March to 1st June and from 15th November to 7th December 1878.
 (g) From 1st July 1878.
 (h) From 21st April 1879.
 (j) From 15th November 1879.

No. L OF 1879.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	FOR WEEK ENDING		TOTAL FROM 1ST JANUARY		Total Increase in 1879.	Total Decrease in 1879.
		14th Dec. 1878.	13th Dec. 1879.	to 14th Dec. 1878.	to 13th Dec. 1879.		
	<i>Guaranteed.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
31st Dec. 1879	East Indian, Main ...	8,31,998	8,17,980	3,38,80,548	3,67,45,193	28,64,645	...
Ditto ...	„ Jubbulpore	1,02,925	55,345	32,93,229	36,81,473	3,91,244	...
27th ditto ...	Eastern Bengal ...	70,496	78,656	40,33,864	38,25,706	...	2,08,158
31st ditto ...	Oudh and Rohilkhand	1,01,712	75,418	44,49,855	41,21,514	...	3,25,341
20th ditto ...	Sind, Punjab & Delhi	1,81,951	2,32,100	83,01,938	1,01,74,916	18,72,978	...
6th ditto ...	Madras ...	1,27,423	(a)1,12,301	62,17,747	62,08,161	...	9,586
20th ditto ...	South Indian ...	54,684	60,656	31,02,840	31,55,523	52,683	...
3rd Jan. 1880	Great Indian Peninsula	5,61,231	4,58,050	2,64,21,441	2,40,34,455	...	23,86,986
Ditto ...	Bombay, Baroda and Central India ...	1,77,958	1,32,102	64,30,898	67,30,099	2,99,201	...
	TOTAL ...	22,13,378	20,22,608	9,61,32,360	9,86,83,010	25,50,680	...
	<i>State.</i>						
20th Dec. 1879	Calcutta and South-Eastern ...	2,456	1,974	1,19,978	1,24,610	4,662	...
Ditto ...	Nalluti ...	1,701	1,734	85,945	86,976	1,031	...
31st ditto ...	Rajputana ...	71,240	79,025	27,61,007	33,86,036	6,25,029	...
3rd Jan 1880	Holkar ...	14,410	21,161	6,77,728	7,62,479	84,751	...
31st Dec. 1879	Khamgaon ...	620	386	(b)51,072	(c)34,874	...	16,198
Ditto ...	Amraoti ...	1,065	1,105	86,250	66,139	...	20,111
Ditto ...	Wardha Coal ...	2,480	3,590	1,24,008	(d)2,36,034	1,12,026	...
20th ditto ...	Nizam's ...	15,141	18,626	7,55,459	6,69,744	...	85,715
3rd Jan. 1880	Tirhoot ...	16,216	10,236	4,21,899	4,22,015	116	...
13th Dec. 1879	Punjab Northern ...	22,222	39,555	8,77,824	17,10,666	8,32,842	...
3rd Jan. 1880	Sindia-Neemuch ...	6,319	9,265	1,92,165	2,90,190	1,07,025	...
20th Dec. 1879	Rangoon and Irrawaddy Valley ...	16,016	14,962	9,31,262	9,15,731	...	15,531
31st ditto ...	Northern Bengal ...	26,024	35,630	8,71,156	12,39,282	3,68,126	...
15th ditto ...	*Sindia ...	1,578	1,582	(e)89,678	93,261	3,583	...
31st ditto ...	Dhond and Manmad ...	5,644	8,294	(f)88,023	4,16,918	3,28,895	...
27th ditto ...	Indus Valley ...	57,394	1,00,267	(g)4,28,866	28,46,777	24,17,911	...
31st ditto ...	Patna-Gya ...	...	8,331	...	(h)2,09,991	2,09,991	...
Ditto ...	Muttra-Hathras ...	...	2,198	...	1,20,460	1,20,460	...
13th ditto ...	Western Rajputana (Southern Section) ...	...	6,459	...	(i)19,872	19,872	...
	TOTAL ...	2,60,526	3,64,380	85,62,320	1,36,61,085	50,98,765	...
	GRAND TOTAL ...	24,73,904	23,86,988	10,46,94,680	11,23,44,125	76,49,445	...
	GROSS ESTIMATED EXPENSES ...			5,23,15,932	5,61,72,062	...	...
	NET RECEIPTS ..			5,23,78,748	5,61,72,063	...	...

(a)—Return not yet received. Estimated upon the earnings of the four last received traffic returns.
(b)—Line closed from 10th July to 14th November 1878.
(c)—Line closed from 1st July to 14th November 1879.
(d)—Includes colliery receipts.
(e)—From 10th January 1878.
(f)—From 16th March to 1st June and from 15th November to 14th December 1878.
(g)—From 1st July 1878.
(h)—From 21st April 1879.
(i)—From 15th November 1879.

GOVERNMENT OF INDIA.

HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS
FOR THE WEEK ENDING THE 27th JANUARY 1880.

GENERAL REMARKS.—Slight rain fell during the week in most of the districts of Madras, Bengal, Assam, Mysore and Coorg, and also in parts of the North-Western Provinces and Oudh and the Punjab. These showers have benefited the spring crops, but rain is still wanted in several districts of Upper India. Agricultural prospects and the public health continue good on the whole.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary (Jan. 24th)	...	<i>Ragi</i> 27·16; standing crops in good condition; harvest of Bengal and horse gram; second crop paddy being sown.
Kurnool (" ")	...	<i>Ragi</i> 29·7; paddy and <i>cholum</i> being harvested; paddy withered in one taluk; dry crops affected with disease in another; pasture and water abundant.
Ganjam (" ")	...	<i>Ragi</i> 31·37.
Kistna (" ")	...	<i>Ragi</i> 30·97; later dry crops affected by insects in two taluks, elsewhere doing well; wet paddy and <i>varagu</i> being harvested; 16 inches water over anicut.
Chingleput (" ") (Madras)	·63 (average of 6 stations).	<i>Ragi</i> 22·55; cultivation of second crop paddy, <i>kar</i> , and <i>varagu</i> in progress in two taluks; standing crops suffering from want of water in one taluk, and somewhat injured by insects in all; harvest of wet and dry crops progressing, outturn $\frac{1}{2}$ to $\frac{2}{3}$; pasture insufficient, except in one taluk.
Coimbatore (" ")	·24 (average of 10 stations).	<i>Ragi</i> 23·19; dry crops withering in five taluks and parts of the other five; wet crops in fair condition; harvest of paddy and a few dry crops, outturn paddy $\frac{1}{4}$ to full, others $\frac{1}{6}$ to $\frac{2}{3}$.
Tanjore (" ")	·35 (average of 5 stations).	<i>Ragi</i> 30·03; crops in good condition, but require rain in parts of two taluks; harvest of paddy and a few dry grains, outturn $\frac{2}{3}$ to full.
Madura (" ")	·08 (average of 9 stations).	<i>Ragi</i> 23·63.
Malabar (" ")	·05 (average of 1 station).	<i>Ragi</i> 20·36; harvest of second crop almost completed.
Travancore (" ")	·93	Paddy crop very good, being harvested; pasture sufficient. <i>General Remarks.</i> —General prospects good.
Bombay— (Jan. 28th)		
Kurrachee	...	Weather cloudy and sultry; river 1 foot 5 inches against 3 feet 2 inches on same date last year; cattle disease prevalent everywhere; much fever still in places.
Hyderabad	...	Wheat in southern talukas injured by southerly winds and mists; mortality amongst camels and horses continues; small-pox in taluka Naushahro continues; weather cloudy; rain would benefit <i>rabi</i> crops.
Ahmedabad	...	Crops promising; public health good.
Baroda	...	All crops thriving; pressing of last sugarcane crop and planting of new sugarcane continue.
Surat	...	Crops generally healthy; fever in four talukas.
Násik	...	Ague in four talukas; cattle disease re-appeared in Dindori; <i>rabi</i> crops fair.
Colaba (Bombay)	...	Average abnormal temperature 1 degree cool till 23rd, 3 degrees warm from 24th to 26th, and 1 degree warm on 27th; vapour in air slightly excessive till 22nd, afterwards largely in defect.
Poona (Jan. 25th)	...	Cholera in Poona city, cases 31, deaths 14.
Ahmednagar	...	<i>Rabi</i> crops good, except in inferior soil; rats still destructive in Kopergaon.
Sholapore	...	Crops generally good; cold has injured them in places; public health good.
Kánara	...	<i>Eice</i> plants healthy on coast; fever prevalent; cattle disease subsiding.
Rajkot	...	Weather cold; cotton-picking in some places; wheat crops promising; health good.
Bengal— (Jan. 27th)		
Chittagoug	Nil	<i>General Remarks.</i> — <i>Rabi</i> crops good everywhere; public health bad in Sind; cattle disease in Sind and Násik.
Dacca	0·12	Cold-weather crops progressing well; cholera in cyclone-tracts abating; cattle disease continues in some parts of district. Prospects of crops good; public health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—contd.		
24-Pergunnahs (Alipore)	0·05	Rice has yielded an average crop; winter crops promising; <i>boro dhan</i> being transplanted and pulses gathered; public health good.
Moorsheadabad ...	0·68	Prospects of crops good; rain of 23rd will do good to winter crops; fever in a mitigated form still prevalent in thana Burwa; cholera in a milder type in Sujagunge and Kaliagunge police stations.
Rajshahye ...	0·30	Weather cool and foggy in mornings; cutting of winter rice nearly completed; outturn generally good; spring crops thriving; public health good.
Burdwan ...	<i>Nil</i>	} <i>Rabi</i> crops promise well, but rain wanted; health good.
Culna ...	0·6	
Cutwa ...	0·13	
Rungpore ...	0·28	Weather cool; crops progressing; public health good.
Bhāgalpur ...	<i>Nil</i>	Weather cold again; prospects of crops and general health good.
Purneah ...	0·48	Crops benefited by rain; prospects favourable; prices stationary.
Patna ...	0·09	More rain now wanted.
Durbhanga ...	Slight rain with hailstones.	<i>Rabi</i> crops progressing very well; prices stationary; public health good.
Hazāribāgh ...	<i>Nil</i>	Weather seasonable; <i>rabi</i> crops suffering for want of rain; general health good.
Cuttack ...	<i>Nil</i>	Rice being still harvested; winter crops good; small-pox still continues.
		General Remarks. —Slight but beneficial rain in most districts, accompanied with hailstones in some; prospects generally favourable, but rain wanted for <i>rabi</i> crops in parts of Chota Nagpore and Patna Divisions, and in Burdwan, Jessore, and Bhāgalpur; cultivation of spring rice going on; harvesting of winter rice still continues in low lands in a few places; cases of small-pox and cholera still reported from some districts, but public health generally good; prices in some districts falling, and in some stationary, while in a few slightly rising owing to exportation.
N.-W. Provinces and Oudh—		
Benares (Jan. 27th)	<i>Nil</i>	Health and prospects good; but rain is wanted.
Allahabad (" ")	...	Weather still fine; crops looking fairly well, but badly in want of water; general health good; prices unchanged.
Gorakhpur (" 26th)	<i>Nil</i>	<i>Rabi</i> prospects good.
Jhānsi (" 29th)	<i>Nil</i>	<i>Rabi</i> fair; prices stationary.
Agra (" 27th)	...	<i>Rabi</i> crops good; weather cloudy; sickness disappearing.
Bareilly (" 28th)	Slight rain on 23rd.	
Meerut (" ")	...	Weather clear; wind west; prospects good.
Kumaun (" 26th)	4·0 on 22nd	Sky cloudy.
Lucknow (" 28th)	4 on 23rd	Prospects good
Partabgarh (" 26th)	...	Prospects good; rain wanted.
Sitapur (" 28th)	...	West wind; rain wanted.
Fyzabad (" ")	...	Prospects satisfactory; wheat and barley coming into ear.
		General Remarks. — <i>Rabi</i> prospects fair and health good; rain has fallen in Kumaun and slight rain in Bareilly and Lucknow; rain is wanted in Meerut, Allahabad, Partabgarh, and Sitapur.
Punjab—(Jan. 27th)		
Delhi ...	1	Prospects good; health much improved; slight fall in prices.
Hissar ...	...	Weather cloudy; crops doing well; prices improving; general health good.
Umballa ...	...	Rain wanted; crops and health fair.
Jullundur ...	...	Prices falling; health and crops good.
Lahore ...	...	Crops and health good.
Ferozepore ...	...	Agricultural prospects fair; prices falling.
Siālkot ...	...	Agricultural prospects fair; rain needed.
Rāwalpindi ...	...	Agricultural prospects fair; fever prevalent.
Peshāwar ...	...	Prospects fair.
Mooltan ...	...	Crops and health good; rain required; prices steady.
Dera Ismail Khan ...	4	More wanted; health and prospects fair.
		General Remarks. —Prospects and health generally good and prices of food-grains falling in most districts.
Central Provinces—		
Nāgpur (Jan. 28th)	...	Cool and slightly cloudy; <i>rabi</i> favourable; health good.
Jubbulpore ...	...	Cold; <i>rabi</i> promising; small-pox decreasing; prices stationary.
Saugor ...	...	Cloudy at times; pulses slightly damaged by late frost; prices unchanged.
Seoni ...	...	Very cold; pulses injured by frost; wheat flourishing.
Hoshangabad ...	...	Cold; crops slightly injured by frost; <i>rabi</i> doing well and full out-turn anticipated; health good; prices unchanged.
Raipur (Jan. 24th)	...	Clear and cool; <i>rabi</i> favourable; cattle disease continues; prices stationary.
Sambalpur (" 23rd)	...	Warm; no crops on the ground; health good; prices steady.
		General Remarks. —Cold; threshing of <i>kharif</i> crops continues in some districts; <i>rabi</i> prospects generally good; prices stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—		
(Jan. 28th)		
Akyab	Public health good; harvesting concluded.
Rangoon	A few deaths from small-pox reported in Rangoon town; fever still continues to a small extent in the Hanthawaddy district, otherwise public health good; health of cattle good; reaping nearly completed.
Bassein	Public health good; a few deaths from small-pox; slight cattle disease in one township.
Prome	Small-pox continues in town, otherwise public health fair.
Amherst (Moulmein)	Small-pox prevalent in Thatone township, otherwise public health good; crops gathered.
Toungoo	Slight small-pox, otherwise public health fair.
<i>General Remarks.</i> —Fever and small-pox more or less prevalent in Pegu and Tenasserim; harvest nearly over; weather seasonable.		
Assam—(Jan. 28th)		
Gauhati ...	Nil	Weather settled, dry, and cold; outturn of <i>sali</i> crop favourable.
Sylhet ...	·71	<i>Bura dhan</i> being planted out; ploughing for <i>aman</i> and <i>aus</i> and harvesting of winter crops going on.
Cachar ...	·39	Weather seasonable; no rice crops on the ground; common rice 14½ seers per rupee; public health good.
Dibrugarh ...	·85	Lands being ploughed for <i>aus</i> crops; district healthy; weather fine.
Mysore and Coorg—		
(Jan. 28th)		
Bangalore ...	·63	Standing crops in good condition; planting of <i>vaisakh</i> paddy continues; general prospects favourable; health good; prices falling.
Mysore	
Mercara ...	·12	
Berar & Hyderabad—		
(Jan. 28th)		
Amrāoti	<i>Rabi</i> crops doing well; cotton-picking completed.
Akola	<i>Rabi</i> prospects favourable.
Hyderabad	Prospects continue somewhat unfavourable; price of wheat 6, rice 11, and white <i>jowar</i> 14 seers per rupee.
Central India States—		
(Jan. 28th)		
Indore ...	Nil.	Cloudy; rain would do good.
Morar (Gwalior)	Prospects good; <i>jowar</i> 29 seers.
Sutna	Prospects and health good.
Rutlam	Health good; opium crops affected by cold weather.
Neemuch	Health good; wheat 14 seers.
Goonā	Health good.
Bhopal	Health and agricultural prospects good.
Agar	Report not received.
Nowgong	Weather cloudy; <i>rabi</i> prospects good.
Mánpur	
Rajputana—		
Abu	Report not received.
Sirohee (Jan. 18th)	Tanks drying; wells full; fever subsiding; measles prevalent; prospects fair; unseasonably warm.
Marwar („ 17th)	One month's supply in tanks; wells almost full; health good; crops excellent; cold mild; winds sharp.
Meywar	Report not received.
Harowtee (Jan. 24th)	} Health and prospects good.
Jhallawar	
Ajnere (Jan. 28th)	Still cloudy; prospects good; small-pox prevalent.
Jeypore	} Report not received.
Bhurtpore	
Ulwur	Prospects good, but rain wanted; health improving; cattle disease appearing.

C. BERNARD,

Offg. Secy. to the Govt. of India.

GOVERNMENT

DEPARTMENT OF FIN

LEMENT TO THE STATEMENT OF PRICES-CURRENT OF FOOD-GRAINS FOR THE 1ST HALF OF
PUBLISHED IN PAGES 46, 47, 324, 325, 330 AND 331 OF THE SUPPLEMENT TO THE

DISTRICTS.	QUANTITIES PER RUPEE																							
	Wheat.			Barley.			Rice.						Great Millet (Cholum, Jowar). <i>Holcus Sorghum.</i>			Bulrush Millet (Cumbho, Bajra). <i>Penicillaria Spicata.</i>								
							Best sort.			Common.														
	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
1st Half of November 1879.																								
Sylhet	9 0	9 0	7 8	...	...	...	10 8	10 0	11 0	14 0	12 0	13 0	...	...	...	...	...	...	...	...	...	...	...	...
Cahar	8 14	8 10	8 10	11 6	10 16	0 11	6 11	6 7	4 14	8 13	5 8	14 0	...	...	...	...	...	...	...	...	...	...	...	...
Goalpara	10 0	10 0	9 0	...	...	...	6 0	6 0	6 0	10 0	10 0	8 0	...	...	...	...	...	...	...	...	...	...	...	...
Garo Hills	12 0	13 0	10 0	...	...	...	2 0	7 0	9 0	12 0	9 0	12 0	...	...	...	...	...	...	...	...	...	...	...	...
Kaurup	8 0	8 0	5 8	...	...	...	8 0	8 0	6 8	10 0	8 10	8 10	...	...	...	...	...	...	...	...	...	...	...	...
Darrang	...	...	...	...	...	...	8 0	8 0	6 8	10 0	8 9	10 0	...	...	...	...	...	...	...	...	...	...	...	...
Nowgong	...	...	...	...	...	...	8 0	8 0	6 8	10 0	8 9	10 0	...	...	...	...	...	...	...	...	...	...	...	...
Sibsagar	6 0	6 0	8 0	...	...	...	6 0	6 0	5 8	7 0	6 0	6 0	...	...	...	...	...	...	...	...	...	...	...	...
Lakhimpur	...	...	...	...	...	...	6 0	6 0	5 8	7 0	6 0	6 0	...	...	...	...	...	...	...	...	...	...	...	...
Khasi and Jyntia Hills	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Naga Hills	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1st Half of December 1879.																								
Janjam	8 2	8 2	7 13	...	...	...	13 6	13 13	8 14	16 0	15 10	9 10	...	...	...	...	...	...	...	...	...	...	...	...
2nd Half of December 1879.																								
Bombay	6 12	6 12	6 7	13 11	13 11	14 10	6 3	6 2	5 1	8 12	8 9	7 9	9 13	0 13	0 10	0 11	0 10	3 10	6 0	...	...	...	...	...
Ahmedabad	9 0	9 0	6 4	18 0	18 0	13 0	6 8	6 0	5 0	9 0	9 0	6 1	1 17	0 16	0 12	0 17	0 16	0 9	0	...	...	...	...	...
Kaira	8 0	8 0	6 13	23 0	18 13	11 7	8 14	8 14	6 0	11 0	11 0	8 8	7 20	0 18	13 10	0 17	12 16	0 8	10	...	...	...	...	...
Surat	8 0	8 4	5 11	5 12	5 12	3 10	7 1	7 1	1 9	8 0	7 4	6 3	3 13	2 14	5 9	4 13	0 13	8 8	1	...	...	...	...	...
Broach	8 0	8 0	6 10	...	...	...	8 0	8 0	7 4	8 14	8 14	8 10	8 10	11 8	13 5	10 14	8 13	5 9	2	...	...	...	...	...
Tanna (Salsette)	6 1	6 1	6 1	...	...	...	5 9	5 9	6 6	7 3	7 3	7 8	9 5	9 5	8 15	9 7	9 7	8 12	...	...	...	...	...	...
Colaba (Mumbai)	7 0	6 12	7 0	...	...	...	6 8	6 8	5 8	10 0	9 8	9 8	9 8	...	...	...	...	...	...	...	...	...	...	...
Khandesh (Dhulia)	9 11	9 4	7 7	...	...	...	6 5	5 14	6 5	8 10	8 10	8 10	8 10	11 15	11 15	13 12	11 13	12	0	...	...	...	...	...
Nasik	8 8	8 8	8 8	...	...	...	5 15	5 15	5 15	8 12	8 12	7 10	7 11	15 10	12 10	8 11	7 10	11 12	0	...	...	...	...	...
Ahmednagar	8 3	7 15	7 4	...	...	...	6 15	6 13	6 11	7 13	7 13	7 7	7 11	15 10	12 10	8 11	7 10	11 12	0	...	...	...	...	...
Poona	6 14	6 14	6 11	...	...	...	6 12	6 12	7 6	8 9	8 9	8 9	9 10	14 10	11 10	11 9	12 9	12 10	6	...	...	...	...	...
Sholapur	7 4	7 4	6 12	...	...	...	9 15	9 15	7 10	10 10	6 10	6 8	0 10	10 11	10 9	0 13	1 13	12 11	12	...	...	...	...	...
Kuladgi (Bagalkot)	7 0	6 3	5 12	...	...	...	7 12	5 12	7 12	11 3	3 10	9 8	12 23	1 21	7 17	12 20	12 20	7 16	12	...	...	...	...	...
Satara	6 6	6 6	6 0	...	...	...	6 14	6 14	6 8	7 14	7 14	7 11	7 8	9 0	9 0	8 0	9 1	9 1	1	...	...	...	...	...
Belgaum	8 2	7 3	5 13	11 0	11 0	13 11	0 9	15 9	8 11	8 10	7 10	0 17	8 17	8 16	2 16	4 15	8 14	4	...	...	...	...	...	...
Dharwar (Hubli)	6 0	6 0	6 0	...	...	...	8 0	8 0	11 0	13 0	12 0	0 21	0 18	0 19	0 21	0 21	0 17	0	...	...	...	...	...	...
Ratnagiri	5 15	5 15	5 4	...	...	...	7 13	7 13	7 2	10 9	14 9	5 12	6 11	11 9	1 1	0 9	13 7	14	...	...	...	...	...	...
Kanara (Karwar)	7 0	7 0	7 0	...	...	...	5 4	5 4	5 0	12 0	11 0	10 8	8 12	0 11	0 9	8 0	...	...	...	...	...	...	...	...
Panch Mahals (Godhra)	6 10	6 10	6 10	...	...	...	7 4	7 4	5 11	10 0	6 0	6 22	10 23	10 10	0 13	5 13	5 7	9	...	...	...	...	...	...
Aden	6 5	6 9	7 0	...	...	...	5 1	5 1	5 1	5 9	5 9	5 9	9 10	1 10	3 11	3 8	3 8	3 10	3	...	...	...	...	...
Asirgarh	8 0	8 0	8 0	...	...	...	7 10	7 12	7 0	9 0	9 0	8 0	0 18	9 18	14 14	0 13	0 13	0 12	0	...	...	...	...	...
Baroda	6 11	6 11	6 12	11 8	9 9	8 12	6 9	6 12	6 0	10 10	3 7	8 0	...	...	...	13 9	14 1	8 12	...	...	...	...	...	...
Disa	12 3	11 8	7 4	...	...	...	4 14	4 14	1 6	5 14	5 12	5 0	0 13	6 11	8 9	12 15	3 13	8 9	0	...	...	...	...	...
Nimach	10 4	10 8	11 4	20 0	20 0	16 8	...	...	...	6 0	6 0	5 5	5 22	0 20	0 16	8 11	8 12	0 10	4	...	...	...	...	...
Nasirabad	11 3	11 12	11 10	21 13	22 10	15 11	6 0	6 0	6 0	7 0	7 0	7 0	0 21	0 21	0 16	0 17	7 16	15 14	8	...	...	...	...	...
Rajkot	9 8	9 4	6 8	...	...	...	5 0	5 0	4 8	11 0	8 8	7 0	0 17	8 15	8 8	8 12	0 11	4 8	0	...	...	...	...	...
Upper Sind Frontier	10 15	10 12	9 4	15 11	15 0	11 0	6 10	6 11	6 0	10 5	9 11	7 0	0 14	3 14	8 9	0 12	3 11	10 9	8
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Polaram	7 1	7 1	7 3	8 6	8 6	7 5	11 0	11 0	8 8	5 18	0 18	0 12	1 0
Chudderghat	6 0	7 0	6 4	7 0	7 0	5 4	10 0	9 0	9 8	15 0	13 0	0 11	17 4	18 0	13 8
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Kolar	7 2	7 2	8 2	11 3	11 13	11 3	14 2	14 13	0 0	21 3	12 6	32 6	24 0
Tumkur	7 0	7 0	7 0	8 0	6 0	4 11	13 0	12 8	10 0	14 0	13 11	0 0	16 0
Mysore	6 12	7 0	7 2	...	...	...	12 0	10 8	10 6	12 4	11 4	11 0	0 25	0 25	0 20	0 0	...	...	20 0	...	...	...	...	...
Hassan	7 0	6 0	7 0	7 8	6 0	7 8	13 0	13 0	10 8	16 0	17 0	11 0	...	...	...	...	...	...	...	...	...	...	...	...
Shimoga	5 12	5 12	5 3	6 5	6 5	6 3	9 7	9 6	8 12	10 12	10 12	3 21	0 21	0 21	0 0	...	...	...	...	...	...	...	...	...
Kadur	8 0	8 0	11 0	...	...	...	12 0	12 0	12 0	15 0	15 0	0 0	...	...	...	...	...	...	...	...	...	...	...	...
Chitaldroog	6 8	6 0	6 0	7 8	7 0	6 8	11 0	11 0	8 12	12 0	12 0	0 27	0 21	0 21	11 27	0 23	8 19	3	...	...	...	...	...	...
Coorg	5 6	5 6	6 0	5 7	5 7	5 3	9 10	9 12	7 10	14 13	13 3	1 0	...	...	...	...	...	...	...	...	...	...	...	...
Indore																								
Gwalior	11 10	11 10	13 10	23 7	21 11	16 3	5 8	5 8	5 3	7 9	7 7	6 6	2 22	7 23	5 18	4 21	11 21	0 6	15	...	...	...	...	...
Goona	13 8	14 0	16 12	15 0	15 0	12 0	8 8	8 8	6 8	9 8	10 0	7 0	0 30	0 28	0 25	0 24	0 24	0 16	...	...	...	...	...	...
Rutlam	9 4	9 8	10 0	...	...	...	7 0	7 0	6 8	9 12	10 0	8 12	24 4	24 0	15 12	14 0	13 0	11 10	...	...	...	...	...	...

SUPPLEMENT TO THE GAZETTE OF INDIA, JANUARY 31, 1880.

INDIA.

ICE AND COMMERCE.

VENBER 1879, PUBLISHED IN PAGES 1504 AND 1505, AND 1ST AND 2ND HALVES OF DECEMBER
AZETTE OF INDIA," DATED 13TH DECEMBER 1879, 10TH AND 24TH JANUARY 1880.

PEERS OF 80 TOLANS.

er Millets, Ragi,
(Kavaru, Vera-
), Sawee, Cheena,
aloo, Murhwa,
glee, &c.), *Pani-*
Miliaceum,
usine, Coracana.

er Millets, Ragi, (Kavaru, Venu, Sawee, Cheena, Aloo, Murhwa, glee, &c.), <i>Pani-</i> <i>Miliaceum,</i> <i>usine, Coruscana.</i>				Gram.												Firewood.												Salt.											
Past fortnight.		Corresponding fort- night of last year.		Present fortnight.			Past fortnight.			Corresponding fort- night of last year.			Present fortnight.			Past fortnight.			Corresponding fort- night of last year.			Present fortnight.			Past fortnight.			Corresponding fort- night of last year.											
S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.	S.	C.										
...	10	0	10	0	9	4	108	0	108	0	108	0	8	0	8	0	8	0	8	0	8	0	8	0	8	0										
...	9	2	9	2	8	14	80	0	80	0	80	0	8	9	7	13	8	13	8	13	8	13	8	13	8	13										
...	10	0	10	0	8	0	120	0	120	0	120	0	5	0	5	0	5	0	5	0	5	0	5	0	5	0										
...	6	12	6	12	8	0	160	0	160	0	160	0	5	5	5	5	5	5	5	5	5	5	5	5	5	5										
...	8	0	8	0	10	0	200	0	200	0	200	0	8	0	8	0	8	0	8	0	8	0	8	0	8	0										
...	5	4	5	4	5	10	160	0	160	0	160	0	6	8	6	8	6	8	6	8	6	8	6	8	6	8										
...	8	0	8	0	7	0	120	0	120	0	120	0	7	8	7	8	7	8	7	8	7	8	7	8	7	8										
...	8	0	8	0	7	0	120	0	120	0	120	0	6	8	6	8	6	8	6	8	6	8	6	8	6	8										
...	8	0	8	0	8	0	160	0	160	0	160	0	6	0	6	0	6	0	6	0	6	0	6	0	6	0										
...	80	0	80	0	120	0	5	5	5	5	5	5	5	5	5	5	5	5	5	5										
...	3	0	3	0	...	...	160	0	160	0	...	...	3	0	3	0	...	...	...	...	...	...	...	...	...	...
32	11	19	0	26	10	26	10	13	8	215	13	215	13	215	13	12	0	11	11	12	0	11	11	12	0	11	11	12	0										
8	7	7	15	10	4	10	7	9	11	54	9	54	9	61	6	3	6	8	6	11	6	11	6	11	6	11	6	11	6										
...	13	6	12	8	6	9	60	0	60	0	80	0	13	8	13	8	13	8	13	8	13	8	13	8	13	8										
...	11	7	11	7	6	10	80	0	80	0	80	0	12	13	12	13	12	13	12	13	12	13	12	13	12	13										
...	10	0	10	0	4	6	11	90	0	90	0	113	0	12	0	12	0	11	6	11	6	11	6	11	6	11										
...	9	11	8	14	5	11	106	0	106	0	106	0	12	12	12	12	13	5	13	5	13	5	13	5	13	5										
9	5	8	15	8	0	8	0	8	3	71	1	71	10	80	0	9	13	9	13	10	15	10	15	10	15	10	15	10	15										
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AVERAGE WAGES PER MONTH.

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The Gazette of India.
JANUARY TO JUNE 1880.

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